

BEFORE THE NATIONAL GREEN TRIBUNAL(SZ) AT CHENNNAI
O. A. No. 180 of 2021

Baddam Raji Reddy

....Applicant

-Vs.-

Union of India,
Rep by its Secretary,
MoEF&CC, New Delhi & Ors

....Respondents

Index to typed set filed by MoEF&CC
(1st Respondent)

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Dated at Chennai this the 4th day of October 2023



Sai Srujan Tayi
Counsel for MoEF& CC/1st Respondent
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भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-29072022-237718
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 3408]
No. 3408]

नई दिल्ली, शुक्रवार, जुलाई 29, 2022/श्रावण 7, 1944
NEW DELHI, FRIDAY, JULY 29, 2022/SHRAVANA 7, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 29 जुलाई, 2022

का.आ. 3573(अ).—केंद्रीय सरकार, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में प्रकाशित अधिसूचना सं. का.आ. 2733(अ), तारीख 30 जुलाई, 2019 के साथ पठित अधिसूचना सं. का.आ.1533(अ), तारीख 14 सितंबर, 2006 द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में प्रकाशित भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना के पैरा 5 के उपपैरा (ग) के परंतुक के अनुसरण में, आवश्यक और समीचीन समझते हुए,—

- (i) राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण, तेलंगाना के अध्यक्ष और सदस्य ; और
- (ii) राज्य स्तर विशेषज्ञ अंकन समिति, तेलंगाना के अध्यक्ष और सदस्यों

को 30 जुलाई, 2022 से बारह मास की अतिरिक्त अवधि के लिए या यथास्थिति, नया राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण, तेलंगाना और नया राज्य स्तर विशेषज्ञ अंकन समिति, तेलंगाना, जो भी पूर्वतर हो, के पुनर्गठन तक उनकी अवधि का विस्तार करती है।

[फा. सं. आईए3-13/2/2022-आईए.III]

डा. सुजीत कुमार बाजपेयी, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the, 29th July, 2022.

S.O 3573(E).—In pursuance of the proviso to sub- paragraph (c) of paragraph 5 of the notification of the Government of India in the *erstwhile* Ministry of Environment and Forests, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub section (ii), *vide*, number S.O 1533(E), dated the 14th September, 2006 read with notification number S.O. 2733 (E), dated the 30th July, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub section (ii), the Central Government being considered necessary and expedient, hereby extends the term of the,-

(i) Chairman and Members of the State Level Environment Impact Assessment Authority, Telangana; and

(ii) Chairman and Members of the State Level Expert Appraisal Committee, Telangana,

for a further period of twelve months with effect from the 30th July, 2022 or till the re-constitution of the new State Level Environment Impact Assessment Authority, Telangana and the new State Level Expert Appraisal Committee, Telangana, as the case may be whichever is earlier.

[F. No. IA3-13/2/2022-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2485]

नई दिल्ली, मंगलवार, जुलाई 30, 2019/श्रावण 8, 1941

No. 2485]

NEW DELHI, TUESDAY, JULY 30, 2019/SHRAVANA 8, 1941

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 30 जुलाई, 2019

का.आ. 2733(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) के अनुसरण में राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण तेलंगाना (जिसे इसमें इसके पश्चात् प्राधिकरण, तेलंगाना कहा गया है) का गठन करती है, जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-

1. प्रोफेसर एम. आनंद राव, अध्यक्ष;
8-48 /1, स्ट्रीट-8
हबसीगुडा 500007, हैदराबाद।
2. डॉ.बी. नरसैया, सदस्य;
मका. नं. 6-3-98, 4th क्रॉस, हस्तिनापुरी, सैनिकपुरी,
सिकंदराबाद-500094, तेलंगाना
3. सरकार के विशेष सचिव, सदस्य-सचिव।
पर्यावरण, वन और जलवायु परिवर्तन विभाग,
तेलंगाना सरकार।

2. प्राधिकरण, तेलंगाना के अध्यक्ष और सदस्य राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए पद धारण करेंगे।

3. प्राधिकरण, तेलंगाना ऐसी शक्तियों का प्रयोग करेगा और ऐसी प्रक्रिया का अनुसरण करेगा जो उक्त अधिसूचना में विनिर्दिष्ट हैं।

4. प्राधिकरण, तेलंगाना अपने विनिश्चय तेलंगाना राज्य के लिए पैरा 5 के अधीन गठित राज्य स्तर विशेषज्ञ अंकन समिति (एस.ई.ए.सी.) की सिफारिशों के आधार पर अपने विनिश्चय देगा।

5. केन्द्रीय सरकार, प्राधिकरण, तेलंगाना की सहायता के उद्देश्य के लिए तेलंगाना राज्य सरकार के परामर्श से राज्य स्तरीय विशेषज्ञ अंकन समिति (एस.ई.ए.सी.) (जिसे इस अधिसूचना में इसके पश्चात् एस.ई.ए.सी., तेलंगाना कहा गया है) का गठन करती है, जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:--

1. प्रोफेसर चौ. कृष्णा रेड्डी, -अध्यक्ष;
मका.नं. 2-2-20 /एल/7, गोल्डेन टावर्स-1, # 401
डीडी कॉलोनी, हैदराबाद 500013, तेलंगाना।
2. डॉ. (श्रीमती) तृप्ति विजया लक्ष्मी - सदस्य;
सहायक प्रोफेसर (सीनियर स्केल) और अध्यक्ष,
पर्यावरण विज्ञान और प्रौद्योगिकी, अध्ययन बोर्ड
पर्यावरण विज्ञान और प्रौद्योगिकी, संस्थान केंद्र
जवाहरलाल नेहरू प्रौद्योगिकी विश्वविद्यालय
हैदराबाद, तेलंगाना।
3. श्री रवींद्र समाया मंत्री, -सदस्य;
मका.नं.3-5-44/1, अर्काडिया अपार्टमेंट नंबर 301
ईडन गार्डन रोड, हैदराबाद -500 001, तेलंगाना।
4. श्री सुरेश -सदस्य;
बी-106, निज़ामपेट रोड, कुकट पल्ली
हैदराबाद, तेलंगाना।
5. डॉ. वेमूला विनोद गौड़, -सदस्य;
मका.नं.6-156 श्रीदुर्गा एस्टेट,
दीप्तीसरीनगर, मदिनागुड़ा,
हैदराबाद -500 049, तेलंगाना।
6. डॉ. के. शिवकुमार -सदस्य;
फ्लैट 302, प्लॉट 328, मेहर निवास
6वां चरण, कुकटपल्ली हाउसिंग बोर्ड (केपीएचबी), कुकटपल्ली
हैदराबाद -500 072, तेलंगाना।
7. प्रोफेसर ए. पनासा रेड्डी, -सदस्य;
प्रोफेसर और प्रमुख, रसायन विज्ञान विभाग,
विश्वविद्यालय कॉलेज ऑफ इंजीनियरिंग विभाग, उस्मानिया विश्वविद्यालय
हैदराबाद -500 007, तेलंगाना।
8. प्रोफेसर सी. वेंकटेश्वर, -सदस्य;
वनस्पति विज्ञान विभाग,
यूनिवर्सिटी कॉलेज ऑफ साइंस, उस्मान विश्वविद्यालय
हैदराबाद -500 007, तेलंगाना।

9. प्रोफेसर पी. रेड्डी नाइक
हेड, प्राणि विज्ञान विभाग
यूनिवर्सिटी कॉलेज ऑफ साइंस, उस्मानिया विश्वविद्यालय
हैदराबाद 500 007, तेलंगाना। -सदस्य;
10. डॉ.पी. राधा कृष्ण
मका.नं. 3-15-219, बहार 9/40, सहारा राज्य
मंसूराबाद, एल.बी.नगर
हैदराबाद -500068, तेलंगाना -सदस्य;
11. श्री बिल्ला येला रेड्डी,
1-8-559, बालासमुद्रम,
हनमकोंडा वारंगल - 506001, तेलंगाना। -सदस्य;
12. संयुक्त मुख्य पर्यावरण अभियंता,
तेलंगाना राज्य प्रदूषण नियंत्रण बोर्ड, तेलंगाना। -सचिव।
6. एस.ई.ए.सी., तेलंगाना के अध्यक्ष और सदस्य इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए पद धारण करेंगे।
7. एस.ई.ए.सी., तेलंगाना ऐसी शक्तियों का प्रयोग करेगी और ऐसी प्रक्रियाओं का पालन करेगी जो उक्त अधिसूचना में विनिर्दिष्ट हैं।
8. एस.ई.ए.सी., तेलंगाना सामूहिक उत्तरदायित्व के सिद्धांत पर काम करेगी और अध्यक्ष प्रत्येक मामले में सर्वसम्मति पर पहुंचने का प्रयास करेगा और यदि सर्वसम्मति पर नहीं पहुंचा जा सकता है तो बहुमत का मत अभिभावी होगा।
9. तेलंगाना राज्य सरकार, प्राधिकरण तेलंगाना और एस.ई.ए.सी., तेलंगाना के लिए सचिवालय के रूप में कार्य करने के लिए किसी अभिकरण को अधिसूचित करेंगी और सभी वित्तीय और संभार तंत्र संबंधी सहायता, जिसके अंतर्गत वास-सुविधा, परिवहन और उनके सभी कानूनी कृत्यों की बाबत अन्य सुविधाएं भी हैं, उपलब्ध कराएगी।
10. प्राधिकरण, तेलंगाना के अध्यक्ष और सदस्यों तथा एस.ई.ए.सी., तेलंगाना के अध्यक्ष और सदस्यों की बैठक की फीस, यात्रा भत्ता और मंहगाई भत्ता तेलंगाना राज्य सरकार के नियमों के अनुसार संदत्त किया जाएगा।

[फा. सं. जे-11013/12/2015-आई.ए.-I (एम)]

अरविंद नौटियाल, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 30th July, 2019

S.O. 2733(E).—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O. 1533(E), dated the 14th September, 2006 (hereinafter referred to as the said notification), the Central Government hereby constitutes the State Level Environment Impact Assessment Authority, Telangana (hereinafter referred to as the Authority, Telangana) comprising of the following Members, namely: —

1. Professor M. Ananda Rao, -Chairman;
#8-48/1, Street No. 8,
Habsiguda - 500007, Hyderabad.
 2. Dr. B Narsaiah, -Member;
H. No. 6-3-98, 4th Cross, Hastiinapuri, Sainikpuri,
Secunderabad – 500094, Telangana
 3. Special Secretary to the Government, -Member Secretary.
Environment, Forests, Science and Technology Department,
Government of Telangana.
2. The Chairman and Members of the Authority, Telangana shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.
3. The Authority, Telangana shall exercise such powers and follow such procedures as specified in the said notification.
4. The Authority, Telangana shall take its decision on the recommendations of the State Level Expert Appraisal Committee (SEAC) constituted under paragraph 5 for the State of Telangana.
5. For the purpose of assisting the Authority, Telangana, the Central Government in consultation with the State Government of Telangana, hereby constitutes the State Level Expert Appraisal Committee (SEAC) (hereinafter referred to as SEAC, Telangana) comprising of the following Members, namely:-
1. Professor Ch. Krishna Reddy, -Chairman;
H.No. 2-2-20/L/7, Golden Towers-II, #401,
D.D. Colony, Hyderabad - 500013, Telangana.
 2. Dr.(Mrs.) Thatiparthi Vijaya Lakshmi, -Member;
Assistant Professor (Senior Scale) and Chairperson,
Board of Studies Environmental Science and Technology,
Centre for Environment Institute of Science and Technology,
Jawaharlal Nehru Technological University,
Hyderabad, Telangana.
 3. Shri Ravindra Samaya Mantri, -Member;
H.No.3-5-44/1, Arcadia Apartment No.301,
Eden Garden Road, Hyderabad – 500 001, Telangana.
 4. Shri Suresh, -Member;
B-106, Vertex Prime, Nizampet Road, Kukat Pally,
Hyderabad, Telangana.
 5. Dr. Vemula Vinod Goud, -Member;
H.No.6-156, Sridurga Estate,
Deepthisrinagar, Madinaguda,
Hyderabad - 500 049, Telangana.
 6. Dr. K. Shivakumar, -Member;
Flat 302, Plot 328, Mehar Nivas,
6th Phase, Kukatpally Housing Board (KPHB), Kukatpally,
Hyderabad - 500 072, Telangana.
 7. Professor A. Panasa Reddy, -Member;
Professor and Head, Department of Chemistry,
University College of Engineering, Osmania University,
Hyderabad - 500 007, Telangana.

- | | | |
|-----|--|-------------|
| 8. | Professor C. Venkateshwar,
Department of Botany,
University College of Science, Osmania University,
Hyderabad - 500 007, Telangana. | -Member; |
| 9. | Professor B. Reddya Naik,
Head, Department of Zoology,
University College of Science, Osmania University,
Hyderabad 500 007, Telangana. | -Member; |
| 10. | Dr.P. Radha Krishna,
H. No. 3-15-219, Bahar 9/40, Sahara States
Mansoorabad, L. B. Nagar
Hyderabad-500068, Telangana. | -Member; |
| 11. | Shri Billa Yella Reddy,
1-8-559, Balasamudram,
Hanamkonda Warangal - 506001, Telangana. | -Member; |
| 12. | Joint Chief Environmental Engineer,
Telangana State Pollution Control Board, Telangana. | -Secretary. |

6. The Chairman and Members of SEAC, Telangana shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

7. The SEAC, Telangana shall exercise such powers and follow such procedures as specified in the said notification.

8. The SEAC, Telangana shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

9. The Government of Telangana shall notify an agency to act as the Secretariat for the Authority, Telangana and SEAC, Telangana and the Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of discharging their statutory functions.

10. The sitting fee, travelling allowances and dearness allowances to the Chairman and Members of the Authority, Telangana and SEAC, Telangana shall be paid as per the rules of the State Government of Telangana.

[F. No. J-11013/12/2015-IA-I (M)]

ARVIND NAUTIYAL, Jt. Secy.

F.No.IA3-22/10/2022-IA.III [E177258]
 Government of India
 Ministry of Environment, Forest and Climate Change
 Impact Assessment Division

Indira Paryavaran Bhawan
 3rd Floor, Vayu Wing, Jor Bagh Road
 Ali Ganj, New Delhi-3

27th September 2022

OFFICE MEMORANDUM

Subject: Procedure for transfer of proposals from Central Level to State Level and vice versa - reg.

The State Environmental Impact Assessment Authorities (SEIAAs)/State Expert Appraisal Committees (SEACs) have been constituted in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) act, 1986 for decentralisation of the Environment Clearance (EC) process for expeditious clearances at the State level. All projects or activities under Category 'B' in the Schedule of the EIA Notification are appraised at the respective SEIAAs/SEACs of the States/UTs.

2. The EIA Notification 2006 has been amended from time to time to streamline the EC process. As the SEIAAs/SEACs have gained substantial experience in appraising projects over time, the threshold levels of category B projects have been accordingly increased from time to time so as to delegate more projects to SEIAAs.

3. At the time of issue of such amendments in EIA Notification 2006, there could be a possibility that certain projects under various stages of consideration (Scoping/ Appraisal) at the Central level were categorized as category 'B' projects before the final decisions were taken at the Central level.

4. Further, the EIA Notification, 2006 was amended vide Notification no. S.O. 1886 (E) dated 20/04/2022, wherein it is inter-alia stated that Category 'B' projects which are inordinately delayed at the SEIAA level, beyond the stipulated timeline as laid down in this notification and also meet the criteria as laid down in this regard from time to time, shall be considered at the Central level as Category 'B' projects.

5. In this regard, the Ministry deems it necessary to clarify the process for handling such proposals, as mentioned at para 3 and 4 above. The procedures for the same is as below:

A. Procedure for transferring category B proposals from SEIAAs subsequent to change in threshold arising due to amendments in EIA Notification 2006 from time to time

6. The Member Secretaries of the Expert Appraisal Committees (EACs) are hereby directed to transfer the proposals to SEIAA, subsequent to categorization of such proposals as category 'B' project due to amendments in the EIA Notification 2006 issued from time to time, in case they are in the following stages of consideration (Scoping/ Appraisal) at the Central level:

- i. Submission stage (ToR/EC)
- ii. Placed in agenda for ToR but not considered even once by EAC
- iii. Placed in agenda for EC but not considered even once by EAC .

7. The concerned Member Secretaries, while transferring the proposal online to the concerned SEIAAs shall inform the Project Proponent also regarding the same.

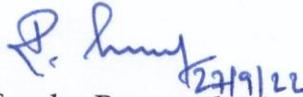
8. The proposals which have been considered/ appraised once by EAC either for ToR or EC, but final decision has not been taken, shall continue to be appraised at the Central level only, till final disposal for ToR/EC, even after the amendments in the EIA Notification are issued from time to time regarding delegation of projects to SEIAAs.

B. Procedure for considering category B proposals at the Centre which are inordinately delayed at SEIAAs

9. With regard to projects that are inordinately delayed at the SEIAA level for grant of EC, the Ministry shall consider them at the Central level on a case to case basis based on the following criteria:

- i. This provision is applicable only for EC applications which are inordinately delayed at the SEIAA level.
- ii. The project proponent is eligible to make a request to the Ministry for consideration at the Central level if the recommendations of SEAC has not been communicated to the project proponent, within 210 days of the receipt of the complete application excluding the time taken for the project proponent to submit the essential and additional details sought.
- iii. In case of Central/State Government Projects where larger issue of public interest is involved , the project proponent is eligible to make a request to the Ministry for consideration at the Central level if the recommendations of SEAC has not been communicated to the project proponent, after the expiry of 105 days and within 210 days of the receipt of the complete application excluding the time taken for the project proponent to submit the essential and additional details sought , for reasons to be recorded in writing and upon a reference made to that effect by the Central Government or State Government.

- iv. The application shall not be pending with the project proponent for want of information/details/documents at the time when the project proponent is applying for consideration at the Centre.
 - v. The application shall be accompanied by an endorsement from the concerned Secretary, Environment of the State Government Department or concerned Joint Secretary of the Central Government Ministry to which the project pertains to, recommending the aforesaid application of the Project Proponent.
10. The projects which qualify all the above criteria mentioned at para 9 above shall be considered at the Central level on a case to case basis as per the following procedure:
- i. A detailed report shall be sought from SEIAA to ascertain the factual status of the project proposal and the reason for delay.
 - ii. If legitimate reason is found on the part of SEIAA, then the proposal shall be considered at the Central level, subject to approval of the Hon'ble Minister of Environment Forest and Climate Change, Government of India.
 - iii. An alert through PARIVESH shall be sent to SEIAA/SEAC to maintain status-quo of the proposal and not consider it further for appraisal as soon as decision is taken to take up the Project at the Central level.
 - iv. In the SEIAA ranking, one mark shall be deducted for every inordinately delayed proposal which is considered at the central level.
 - v. Such proposals, once considered at the Central level, shall not be sent back to SEIAA till the final decision is taken on such proposal by the Ministry.
11. The project proponent of the inordinately delayed projects shall apply online on PARIVESH in the prescribed format through the provision created for this purpose.
12. This is issued with the approval of Competent Authority.


 (Sundar Ramanathan)
 Scientist E

To

1. Chairman, Central Pollution Control Board (CPCB);
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of IA Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. Sr.PPS to Secretary (EF&CC)
4. Sr.PPS to AS(TK) / AS (NPG)
5. Sr.PPS to JS (SKB)
6. Website, MoEF&CC
7. Guard file.

2 3

GOVERNMENT OF TELANGANA
ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.III) DEPARTMENT

Letter No.1073/For.III/A2/2023

Dated:02-06-2023

From
The Special Chief Secretary to Government (FAC),
ES&T Department,
Telangana Secretariat, Hyderabad.

To
The Member Secretary,
Telangana State Pollution Control Board,
Hyderabad. (we)

2658
17 JUN 2023
9/12

Madam,

Sub:EFS&T Department -Indiramma Food Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District - Violation of Provisions laid under the Environment (Protection) Act,1986 - Initiation of Action -Requested - Reg.

Ref: Letter from the SEIAA, Hyd.Order.No.SEIAA/TS/OL/SDPT-37/2021-651, dated:03.03.2023.

TOEE-1

I am to enclose a copy of the reference cited, together with its enclosures and to inform that as reported by the Member Secretary, State Level Environment Impact Assessment Authority (SEIAA), Hyderabad Telangana has received a proposal from Indiramma Food Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District. The project was considered by the State Level Expert Appraisal Committee (SEAC), Telangana in its meetings held on 03.01.2023 and by the SEIAA in its meeting held on 04.02.2023. While considering the project, it was observed that this is a case of violation of EIA Notification 2006 and its amendments, thereof notified under the Environment (Protection) Act, 1986, as the construction operations were started without obtaining EC. The Member Secretary, State Level Environment Impact Assessment Authority (SEIAA), Telangana has therefore, requested the Government to initiate credible action on the violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking legal action under Section 15 of the Act for the period from which the violation has taken place.

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2. I am to further inform that as per Ministry of Environment & Forests, Government of India vide S.O.No.804(E), dated.14.03.2017; S.O.1030(E) dated: 08.03.2018 and O.M. dt.07.07.2021 & O.M. dt.28.01.2022 of the Ministry of Environment & Forests & Climate Change, has issued instructions for dealing with cases involving violations, as per the procedure mentioned in above notification, the State Government concerned to take credible action on the violation against the proponent under the Environment (Protection) Act, 1986 & ToRs dt.15.02.2023 was issued to the proponent for preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance.

3. I am therefore request you to examine and to initiate credible action on the violation against the Indiramma Food Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District for violation of provisions of the Environmental (Protection) Act, 1986/ EIA Notification, 2006 by filing a case before concerned the First Class Judicial Magistrate court by invoking the powers under section 19 of the Act, and furnish the action taken report together with relevant documents to Government immediately in the matter.

Yours faithfully,

for Special Chief Secretary to Government (FAC)

F. No. L-11011/11/2021-IA.I (RV)
Government of India
Ministry of Environment, Forest & Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
2nd Floor, Vayu Wing
Aliganj, Jor Bagh Road
New Delhi – 110 003

Dated: 09th June, 2023

To,

The Chairman
SEIAA Telangana
Ministry of Environment Forests & Climate Change
Block No: 305, Maitrivihar,
Ameerpet, Hyderabad

Sub: Original Application No. 180 of 2021 in the matter of Baddam Raji Reddy and Ors. vs Union of India & others before the Hon'ble National Green Tribunal (SZ), Chennai-reg.

Sir/Madam,

With reference to the above captioned subject matter, it is to inform that as per final order dated 10.02.2022 (copy enclosed) issued by the Hon'ble NGT (SZ), it directed the MoEF&CC to submit an action taken report after reassessing the entire process afresh. In compliance of the said order of the Hon'ble NGT, the Ministry filed an Action Taken Report on 19.05.2023.

2. Thereafter, the matter came up for hearing on 26.05.2023 wherein the Hon'ble Tribunal directed (copy enclosed) that "...*The learned counsel appearing for the MoEF&CC stated that the SEIAA - Telangana has to consider this, who is not a party to this proceeding. However, as the SEIAA - Telangana is functioning only under the MoEF&CC, the MoEF&CC can get an appropriate report from the SEIAA - Telangana and file a compliance report...*".

3. In view of above, it is requested to kindly provide *the compliance report on the instant matter along with the current status of the project 'whether the construction started before the grant of EC'*, in order to file the compliance report before the Hon'ble Tribunal.

Yours faithfully,



(Yogendra Pal Singh)
Scientist 'E'

E-mail: yogendra78@nic.in

Tele: 011-20819364

Enclosed: as above

Government of India
Ministry of Environment, Forests & Climate Change
Legal Monitoring Cell

DETAILS OF RECEIPT

1.	Case No.	OA No. 180/2021 (SZ)
2.	Case Title	Sri Baddam Raji Reddy & Ors. Vs. UOI & Ors.
3.	Court where the matter is pending	NGT (SZ), Chennai
4.	NDOH	
5.	Subject matter of Division concerned	River Valley related matter
6.	Action	As required
7.	Remarks, if any	
8.	Note	Revised guidelines for the Associates (Legal) dated 16.02.2023 may be referred, whereby Divisions are at liberty to allow Associates (Legal) to appear before NGT (PB), New Delhi in pro forma cases.

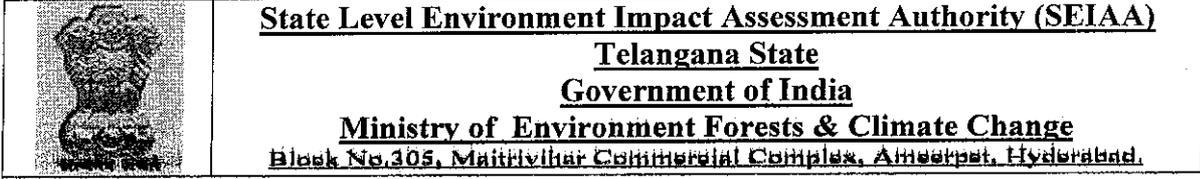
Arma Aru Priya
(Legal Monitoring Cell)
04-07-2023

AS (TK)
(River Valley)

Contact : 011-20819179

Intercom. 3636

Email- lmc.moefcc@gov.in



REGD.POST WITH ACK.DUE

Lr No.4/TSPCB/EC/SEIAA/General/2015- 70

Dt:26.06.2023

To

**The Joint Secretary, I.A. Division,
 MoEF&CC, GoI,
 Indira Paryavaran Bhawan,
 Jorbagh Road, New Delhi.**

Sir,

Sub: SEIAA, TS - Original Application No. 180 of 2021 in the National Green Tribunal, Southern Zone, Chennai filed by Sri Baddam Raji Reddy and Ors., Vs Union of India & others Hon'ble NGT order dt.26.05.2023 – Compliance Report submitted - Reg.

Ref: 1. SEIAA, TS TOR No.SEIAA/TS/OL/SDPT-3/2022, dt.15.02.2023 issued to the Engineer in Chief, Indiramma Flood Flow Canal Project from Sri RamaSagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly (V), Akkannapet (M), Siddipet District.
 2. The Director, IRO, Hyderabad, MoEF&CC, GoI, letter No.EP(A)/IRO-Hyd/NGT(SZ)/ENV/089/440, dt.05.06.2023.
 3. Mail dt.09.06.2023 received from Dr. Saurabh Upadhyay, Dy. Director/ Scientist C, MoEF&CC, GoI. along with the letter F.No.L-11011/11/2021-IA.I (RV), dt.09.06.2023.

This is with reference to the MoEF&CC, GoI letters vide references 2nd & 3rd cited above, wherein it was requested to provide compliance report on the instructions of Hon'ble NGT Southern Zone, Chennai order dt.26.05.2023 in Original Application No. 180 of 2021 by Baddam Raji Reddy and Ors. Vs Union of India & others along with current status of the project "Whether the construction started before the grant of EC".

In this regard, it is to submit that the Engineer in Chief, Indiramma Flood Flow Canal Project from Sri RamaSagar Project, I&CAD Dept., GoTS had applied through PARIVESH Portal for TOR under violation category for expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly (V), Akkannapet (M), Siddipet District vide proposal No. SIA/TG/RIV/409365/2022 on 06.12.2022, as per the minutes of EAC meeting held on 15.06.2022 and MoEF&CC, GoI Notification S.O.No.1886 (E), dt.20.04.2022. It was noted that 85% of work was completed by the time NGT case was filed. After review of the proposal the SEIAA, TS issued TORs order No.SEIAA/TS/OL/SDPT-3/2022, dt.15.02.2023 as per MoEF&CC, GoI Notifications S.O.No.804 (E) dt.14.03.2017 & S.O.1030 (E), dt.08.03.2018 and OM dt.07.07.2021 & 28.01.2022. A copy of the TOR order is annexed. The proponent is yet to

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submit draft EIA report along with compliance of the Hon'ble NGT Order to the TSPCB for conducting Environmental Public Hearing.

This is submitted for kind information and necessary action.

Encl: As above

Yours faithfully,

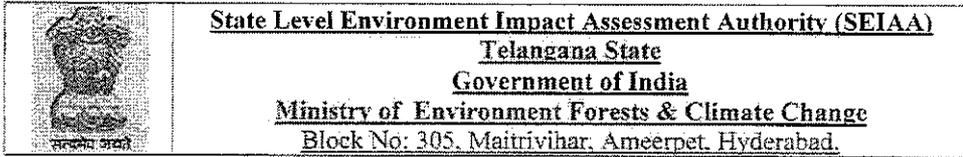
Sd/-
MEMBER SECRETARY,
SEIAA, TS

//T.C.F.B.O.//



Joint Chief Environmental Engineer

J 2/6



Order No. SEIAA/TS/OL/SDPT-37/2022-

Dt:15.02.2023.

Sub: SEIAA – Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District – TORs [Violation] with Public Hearing issued – Reg.

- I. This has reference to your proposal No. SIA/TG/RIV/409365/2022, dt. 06.12.2022 (accepted on 16.12.2022) submitted to the SEIAA, Telangana seeking Terms of Reference (ToR) in terms of the provisions of Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986. The project is for **Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District.**
- II. The proposal for grant of Terms of Reference (ToR) to the proposed project was considered by the State level Expert Appraisal Committee (SEAC) in its meeting held on **03.01.2023**. The SEAC observed the following:

The representative of the project proponent Sri Shankar (Engineer in Chief); and Dr. Ramakrishna of M/s. EPTRI, Hyderabad attended and made a presentation before the SEAC.

During presentation, the proponent informed the following:

- **Concept of IFFC project from SRSP is:**
 - Sri Ramasagar Project (SRSP) reservoir was commissioned in the year 1964-69 with a capacity of 112 TMC at Pochampad (V), Nizamabad district to irrigate an ayacut of 14.08 Lakh acres in Stage-I and Stage-II.
 - Flood Flow Canal project was proposed by the then Government of Andhra Pradesh envisaging diversion of balance surplus water available at SRSP reservoir after meeting the requirement of SRSP Stage-I&II.
 - The Head regulator was provided in the foreshore of SRSP for diversion of water from the said reservoir into the Flood Flow Canal.
 - The main aim of the Flood Flow Canal project is to irrigate an ayacut of 89,031 Ha (2,20,000 acres) in the upland drought prone areas of Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda and Jangaon (erstwhile districts of Karimnagar, Warangal and Nalgonda) districts in Telangana region duly utilising 20 TMC of flood water of Godavari river from the fore shore of SRSP reservoir.
- **Background of the project is:**
 - The Technical Advisory committee(TAC) of Central Water Commission (CWC) in its 64th meeting on 03.04.1996 approved the project components comprising the following three (3 Nos) reservoirs for an estimated cost of Rs.1331.30 Cr @ Price Level 1992-93.
 - Combined Storage Reservoir-I (Storage Capacity : 7.346 TMC, Ayacut : 32,000 acres)
 - Mid Manair Reservoir (Storage Capacity : 25.873 TMC, Ayacut : 68,000 acres)
 - Gouravelly Reservoir (Storage Capacity : 1.095 TMC, Ayacut : 1,20,000 acres)
 - The then Government of Andhra Pradesh vide G.O. Ms. No. 209 dated 17.11.1997 deleted the combined storage reservoir-I across Peddavagu-II and Korutla vagu near Konaraopet(V), Karimnagar district with a storage capacity of 7.346 TMC to irrigate an ayacut of 12950Ha (32,000 Acres).

- The Environmental clearance for the IFFC Project from SRSP was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003 to irrigate an ayacut of 2,20,000 acres duly utilizing 20 TMC of Flood water of Godavari river water from foreshore of Sriramsagar project.
 - Mid Manair Reservoir – 25.873 TMC
 - Gouravelly Reservoir – 1.410 TMC
 - The statutory clearance w.r.t. the project are:
 - The Forest clearances for canals and reservoirs was accorded vide Lr. Ref. No. 50907/99/F.1, Dt: 14-03-2000 & 14.09.2000 respectively.
 - The Site clearance for investigation & survey was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.24.06.2002.
 - The Environmental clearance was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003.
 - The Rehabilitation and Resettlement clearance is received from the Govt. of India vide MOTA Lr. no.20011/4/2003- CP & R, Dt. 02-09-2004.
 - The Planning Commission (water Resources.Division) accepted for investment in the State Plan with an estimated cost of Rs 1331.30 crores vide Lr.No.2 (322)/03-WR Dt: 08.12.2005
 - The details of Hon'ble NGT case w.r.t. the project are:
 - The Government of Telangana has accorded administrative approval for the Gouravelly reservoir project with enhanced capacity from 1.410 TMC to 8.23 TMC vide G.O.Ms. No. 533, I&CAD (Projects-IV) Department Dt: 26.05.2017 and 85% of work was completed by the time of NGT Case was filed.
 - The submerging villagers of Gouravelly reservoir had filed the case **OA no 180 of 2021** on 10th August 2021 before the **Hon'ble NGT (SZ), Chennai** on the ground that the irrigation and CAD department of State of Telangana under the Re-engineering proposal issued orders for expansion of Gouravelly Reservoir from 1.410 TMC to **8.230 TMC without obtaining prior EC from Ministry.**
 - The Joint Committee constituted by the NGT, Chennai was formed on 13th August 2021
 - Joint committee had a site visit on 23rd September 2021 and submitted a report on 29th September 2021 in which it has reported that the scope of the project has been changed without approval of MoEF & CC.
 - The committee has proposed an Environmental Compensation of Rs.2,05,31,250 (Rs.2.05 Crores) for Violation.
 - MoEF&CC issued show cause notice to I&CAD Department on 7th January 2022.
 - I&CAD submitted the replies to show cause notice on 27th January 2022.
 - NGT has disposed the case on 10th February 2022 duly directing the MoEF&CC to complete the process of enquiry and to submit the report in four months
 - EAC has scheduled a meeting on 15th June 2022 for the replies to show cause.
 - Based on the EAC meeting the committee suggested a fresh proposal under violation category
- 29.4.3 The EAC during deliberations observed that based on fact submitted by the project proponent and report of the Joint Committee, it has been confirmed that the project involves violation and the project will be appraised by the EAC as per the standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006 mentioned in OM dated 07.07.2021.
- The EAC therefore, suggested the project proponent to submit the proposal a fresh at PARIVESH portal for terms of reference (TOR) under violation category.
 - Accordingly, the proponent submitted Form-I for TOR on 02.09.2022 at the MoEF&CC, Gol. But, the Ministry did not consider the proposal as the project becomes Category-B project as per S.O.1886(E), dt.20.04.2022. Hence, the proponent re-submitted the proposal for TOR to the SEIAA, TS on 06.12.2022.

The SEAC noted the details of the project as following:

- The Indiramma Flood Flow Canal Project (IFFC) envisages diversion of flood water from Sri Ramasagar Project (SRSP).
 - **Ayacut 89,031 ha.**
 - **Drought prone areas** - erstwhile districts of Karimnagar, Warangal and Nalgonda (present districts Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda and Jangaon)
 - **Excess flood** – Once in four years
- The storage facilities for storing such flood plays major role in harnessing and conserving flood water.

The SEAC noted that the project components are:

➤ **Water conveyance system:**

- FFC Canal :122 km
- Reverse lift pump houses: 3 number
- MMR Canals:103.375 km
- Tunnel – 11.98 km
- Pump house – 3 x 32MW(3x19cumecs)
- Gouravelly Canals-63.725 km
- High Level Canals-20.845 Km

➤ **Reservoir:**

- Mid Manair Reservoir : 25.873 TMC
- Gouravelly reservoir : 8.23 TMC

➤ **Distributory network system:**

- MMR Command Area – 40,470 ha (1,00,000 acres)
- Gouravelly Command Area – 48,561 ha (1,20,000 acres) in Karimnagar, Siddipet, Hanumakonda and Jangaon Districts.

The SEAC noted that the command area of 89,031 Ha. falls in the Districts of Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda & Jangaon

During presentation, the proponent informed the following w.r.t. Expansion of Gouravelly Reservoir Project:

- The Sriramsagar project was designed with a **capacity of 112 TMC**. But due to heavy siltation the **effective storage capacity is decreased to 90 TMC**, increasing the untapped flood water. In this context it is also an edge to have more storage capacity for tapping such flood.
- The excess flood as per the data available occurs once in every four years in SRSP. The storage facilities for storing such flood plays major role in harnessing and conserving flood water.
- After formation of Telangana state the Government has reviewed the existing irrigation project and as a part of effective utilisation of water allocation and to compensate the storage lost due to **deletion of Combined Storage Reservoir (7.346 TMC)** near Konaraopet (V), an alternate proposal of increasing the **Gouravelly reservoir capacity from 1.409 TMC to 8.230 TMC** has been proposed.

The SEAC confirmed the project as a case of violation of the EIA Notification, 2006 and the project has to be considered in the terms of provisions of the S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018; and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 issued by the MoEF&CC, Govt w.r.t. SOP for identification and handling of violation cases under EIA Notification., 2006.

After detailed discussions, the proponent is directed to prepare EIA report, as per the Standard Terms of Reference (TORs) issued by the MoEF&CC, Govt for "1 (c) river valley projects" and following Additional TORs along with the Specific Terms of Reference w.r.t. violation as per S.O.No.804 (E) dt.14.03.2017 & S.O.1030 (E), dt.08.03.2018 and OM dt. 07.07.2021 & 28.01.2022 undergo the process of Public Hearings (District wise) in consultation with TSPCB and submit final EIA report along with minutes of Public Hearings & response of the proponent to the issues emerged in the Public Hearings to the SEAC for appraisal.

Additional TORs:

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT, Chennai

- III. Accordingly, the proposal along with recommendations of SEAC, Telangana was examined by the State level Environment Impact Assessment Authority (SEIAA) in its meetings held on **04.02.2023** and observed the following:

The SEIAA discussed the recommendations of the SEAC in detail and noted that the proponent has started project activity without obtaining EC and violated EIA Notification, 2006.

However, approved the project for issue of TORs (Violation) with public hearing. The proponent is directed to stop the activity forthwith and shall comply with the MoEF&CC, GoI, OM No22-21./2020-IA.III dt.07.07.2021. The proponent shall prepare EIA report as per the Standard Terms of Reference (TORs) issued by the MoEF&CC, GoI for "1 (c) river valley projects" and following Additional TORs.

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of the Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT, Chennai

- IV. In view of the above, **the SEIAA, Telangana hereby accords ToRs with public hearing to the project** for preparation of the Environment Impact Assessment (EIA) Report and Environment Management Plan (EMP). The TORs and general guidelines for preparation of EIA & EMP report are as following:

STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT IMPACT ASSESSMENT STUDY FOR RIVER VALLEY PROJECTS & IRRIGATION PROJECTS AND INFORMATION TO BE INCLUDED IN EIA/EMP REPORT.

A. Scope of EIA Study

The EIA Report should identify the relevant environmental concerns and focus on potential impacts that may change due to the construction of proposed project. Based on the baseline data collected for three (3) seasons (Pre-monsoon, Monsoon and Winter seasons), the status of the existing environment in the area and capacity to bear the impact on this should be analysed. Based on this analysis, the mitigation measures for minimizing the impact shall be suggested in the EIA/EMP study

B. Details of the Project and Site

- 1 General introduction about the proposed project
- 2 Details of Project and site giving L-Sections of all U/S and D/S Projects with all relevant maps and figures. Connect such information as to establish the total length of interference of Natural River and the committed unrestricted release from the site of Dam/Barrage into the main river
- 3 A map of boundary of the project site giving details of protected areas in the vicinity of 25 km of project location
- 4 Location details on a map of the project area with contours indicating main project features. The project layout shall be superimposed on a contour map of ground elevation showing main project features (viz. location of dam, Head works, main canal, branch canals, quarrying etc.) shall be depicted in a scaled map
- 5 Layout details and map of the project along with contours with project components clearly marked with proper scale maps of at least 1:50,000 scale and printed at least on A3 scale for clarity
- 6 Existence of National Park, Sanctuary, Biosphere Reserve etc. in the study area, if any, should be detailed and presented on a map with distinct distances from the project components
- 7 Drainage pattern and map of the river catchment up to the proposed project site.

- 8 Delineation of critically degraded areas in the directly draining catchment on the basis of Silt Yield Index as per the methodology of Soil and Land use Survey of India
 - 9 Soil characteristics and map of the project area
 - 10 Geological and Seismo-tectonic details and maps of the area surrounding the proposed project site showing location of dam site and canal sites
 - 11 Remote Sensing studies, interpretation of satellite imagery, topographic sheets along with ground verification shall be used to develop the land use/land cover pattern of the study using overlaying mapping techniques viz. Geographic Information System (GIS), False Color Composite (FCC) generated from satellite data of project area
 - 12 Land details including forests, private and other land
 - 13 Demarcation of snow fed and rain fed areas for a realistic estimate of the water availability
- C. Description of Environment and Baseline Data**
- 1 To know the present status of environment in the area, baseline data with respect to environmental components air, water, noise, soil, land and biology & biodiversity (flora & fauna), wildlife, socioeconomic status etc. should be collected within 10 km radius of the main components of the project/site i.e. dam site and power house site. The air quality and noise are to be monitored at such locations which are environmentally & ecologically more sensitive in the study area. The baseline studies should be collected for 3 seasons (Pre-Monsoon, Monsoon and Post Monsoon seasons)
 - 2 Flora-Fauna in the catchment and command area should be documented. The study area should comprise of the following:
 - a Catchment area up to the dam/barrage site
 - b Submergence Area
 - c Project area or the direct impact area should comprise of area within 10 km radius of the main project components like dam, canals etc
- D. Details of the Methodology**
- The methodology followed for collection of base line data along with details of number of samples and their locations in the map should be included. Study area should be demarcated properly on the appropriate scale map. Sampling sites should be depicted on map for each parameter with proper legends. For Forest Classification, Champion and Seth (1968) methodology should be followed
- E. Methodology for Collection of Biodiversity Data**
- 1 The number of sampling locations should be adequate to get a reasonable idea of the diversity and other attributes of flora and fauna. The guiding principles should be the size of the study area (larger area should have larger number of sampling locations) and inherent diversity at the location, as known from secondary sources (e.g. eastern Himalayan and low altitude sites should have a larger number of sampling locations owing to higher diversity).
 - 2 The entire area should be divided in grids of 5kmX5km preferably on a GIS domain. There after 25% of the grids should be randomly selected for sampling of which half should be in the directly affected area (grids including project components such as reservoir, dam, powerhouse, tunnel, canal etc.) and the remaining in the rest of the area (areas of influence in 10 km radius form project components). At such chosen location, the size and number of sampling units (e.g. quadrates in case of flora/transects in case of fauna) must be decided by species area curves and the details of the same (graphs and cumulative number of species in a tabulated form) should be provided in the EIA report. Some of the grids on the edges may not be completely overlapping with the study area boundaries. However, these should be counted and considered for selecting 25% of the grids. The number of grids to be surveyed may come out as a decimal number (i.e. it has an integral and a fractional part) which should be rounded to the next whole number.
 - 3 The conventional sampling is likely to miss the presence of rare, endangered and threatened (r.e.t.) species since they often occur in low densities and in case of faunal species are usually secretive in behaviour. Reaching the conclusion about the absence of such species in the study area based on such methodology is misleading. It is very important to document the status of such species owing to their high conservation value. Hence likely presence of such species should be ascertained from secondary sources by a proper literature survey for the said area including referring to field guides which are now available for many taxonomic groups in India. Even literature from studies/surveys in the larger landscapes which include the study area for the concerned project must be referred to, since most species from adjoining catchments is likely to be present in the catchments in question. In fact such literature from the entire state can be referred to. Once a listing of possible r.e.t. species from the said area is developed, species specific methodologies should be adopted to ascertain their presence in the study area which

would be far more conclusive as compared to the conventional sampling. If the need be, modern methods like camera trapping can be resorted to, particularly for areas in the eastern Himalayas and for secretive/nocturnal species. A detailed listing of the literature referred to, for developing lists of r.e.t. species should be provided in the EIA reports. The conventional sampling is likely to miss the presence of rare, endangered and threatened (r.e.t.) species since they often occur in low densities and in case of faunal species are usually secretive in behaviour. Reaching the conclusion about the absence of such species in the study area based on such methodology is misleading. It is very important to document the status of such species owing to their high conservation value. Hence likely presence of such species should be ascertained from secondary sources by a proper literature survey for the said area including referring to field guides which are now available for many taxonomic groups in India. Even literature from studies/surveys in the larger landscapes which include the study area for the concerned project must be referred to, since most species from adjoining catchments is likely to be present in the catchments in question. In fact such literature from the entire state can be referred to. Once a listing of possible r.e.t. species from the said area is developed, species specific methodologies should be adopted to ascertain their presence in the study area which would be far more conclusive as compared to the conventional sampling. If the need be, modern methods like camera trapping can be resorted to, particularly for areas in the eastern Himalayas and for secretive/nocturnal species. A detailed listing of the literature referred to, for developing lists of r.e.t. species should be provided in the EIA reports.

- 4 The R.E.T. species referred to in this point should include species listed in Schedule I and II of Wildlife (Protection) Act, 1972 and those listed in the red data books (BSI, ZSI and IUCN).

F. Components of the EIA Study

Various aspects to be studied and provided in the EIA/EMP report are as follows:

I. Physical and Chemical Environment

1 Geological & Geophysical Aspect and Seismo- Tectonics:

- a Physical geography, Topography, Regional Geological aspects and structure of the Catchment
- b Tectonics, seismicity and history of past earthquakes in the area. A site specific study of the earthquake parameters will be done. The results of the site specific earthquake design shall be sent for approval of the NCSDP (National Committee of Seismic Design Parameters, Central water Commission, New Delhi for large dams
- c Landslide zone or area prone to landslide existing in the study area should be examined
- d Presence of important economic mineral deposit, if any
- e Justification for location & execution of the project in relation to structural components (dam /barrage height)
- f Impact of project on geological environment.

2 Meteorology, Air and Noise:

- a Meteorology (viz. Temperature, Relative humidity, wind speed/direction etc.) to be collected from nearest IMD station
- b Ambient Air Quality with parameters viz. Suspended Particulate Matter (SPM), Respirable Suspended Particulate Matter (RSPM) i.e. suspended particulate materials < 10 microns, Sulphur dioxide (SO₂) and Oxides of Nitrogen (NO_x) in the study area at 5-6 Locations
- c Existing Noise Levels and traffic density in the study area at 5-6 Locations.

3 Soil Characteristics:

Soil classification, physical parameters (viz., texture, Porosity, Bulk Density and water holding capacity) and chemical parameters (viz. pH, electrical conductivity, magnesium, calcium, total alkalinity, chlorides, sodium, potassium, organic carbon, available potassium, available phosphorus, SAR, nitrogen and salinity, etc.) at @ one sample/1000 ha of command area.

4 Remote Sensing and GIS Studies:

- a Generation of thematic maps viz. slope map, drainage map, soil map, land use and land cover map, etc. Based on these, thematic maps, an erosion intensity map should be prepared.
- b New configuration map to be given in the EIA Report

5 Water Quality:

- a History of the ground water table fluctuation in the study area.

- b Water Quality for both surface water and ground water for [i] Physical parameters (pH, Temperature, Electrical Conductivity, TSS); [ii] Chemical parameters (Alkalinity, Hardness, BOD, COD, NO₃, PO₄, Cl, So₄, Na, K, Ca, Mg, Silica, Oil & grease, phenolic compounds, residual sodium carbonate); [iii] Bacteriological parameter (MPN, Total coliform); and [iv] Heavy Metals (Pb, As, Hg, Cd, Cr₆, Total Cr, Cu, Zn, Fe) at minimum 10 Locations, however, the sampling numbers should be increased depending on the command area
 - c Delineation of sub and micro watersheds, their locations and extent based on the Soil and Land Use Survey of India (SLUSOI), Department of Agriculture, Government of India. Erosion levels in each micro-watershed and prioritization of micro-watershed through Silt Yield Index (SYI) method of SLUSOI
- II Water Environment & Hydrology:**
- a Hydro-Meteorology of the project viz. precipitation (snowfall, rainfall), temperature, relative humidity, etc. Hydro-meteorological studies in the catchment area should be established along-with real time telemetry and data acquisition system for inflows monitoring
 - b Run off, discharge, water availability for the project, sedimentation rate, etc
 - c Basin characteristics
 - d Catastrophic events like cloud bursts and flash floods, if any, should be documented.
 - e For estimation of Sedimentation Rate, direct sampling of river flow is to be done during the EIA study. The study should be conducted for minimum one year. Actual silt flow rate to be expressed in ha-m km² year⁻¹.
 - f Set up a G&D monitoring station and a few rain gauge stations in the catchment area for collecting data during the investigation.
 - g Flow series, 10 daily with 90%, 75% and 50% dependable years discharges.
 - h Environmental flow release should be 20% of the average of the 4 lean months of 90% dependable year (MAF) during the lean season and 30% of Monsoon flow during monsoon season. For remaining months, the flow shall be decided by the Committee based on the hydrology and available discharge.
 - i A site specific study on minimum environment flow should be carried out.
- III Biological Environment:**
- 1 Flora**
- a Characterization of forest types (as per Champion and Seth method) in the study area and extent of each forest type as per the Forest Working Plan.
 - b General vegetation profile and floral diversity covering all groups of flora including Bryophytes, Pteridophytes, Lichens and Orchids. A species wise list may be provided
 - c Assessment of plant species with respect to dominance, density, frequency, abundance, diversity index, similarity index, importance value index [IVI], Shannon Weiner Index etc. of the species to be provided. Methodology used for calculating various diversity indices along with details of locations of quadrats, size of quadrats etc. to be reported within the study area in different ecosystems
 - d Existence of National Park, Sanctuary, Biosphere Reserve etc in the study area, if any, should be detailed.
 - e Economically important species like medicinal plants, timber, fuel wood etc.
 - f Details of endemic species found in the project area
 - g Flora under RET categories should be documented using International Union for the Conservation of Nature and Natural Resources (IUCN) criteria and Botanical Survey of India's Red Data list along with economic significance. Species diversity curve for RET species should be given
- 2 Fauna:**
- a Fauna study and inventerisation should be carried out for all groups of animals including reptiles.
 - b and nocturnal animals in the study area. Their present status along with Schedule of the species
 - c Information (authenticated) on Avi-fauna and wild life in the study area
 - d Status of avifauna their resident/migratory/ passage migrants etc.
 - e Documentation of butterflies, if any, found in the area
 - f Details of endemic species found in the project area

- g RET species- voucher specimens should be collected along with GPS readings to facilitate rehabilitation. RET faunal species to be classified as per IUCN Red Data list and as per different schedule of Indian Wildlife (Protection) Act, 1972
- h Existence of barriers and corridors, if any, for wild animals
- i Compensatory afforestation to compensate the green belt area that will be removed, if any, as part of the proposed project development and loss of biodiversity
- j For categorization of sub-catchments into various erosion classes and for the consequent CAT plan, the entire catchment (Indian Portion) is to be considered and not only the directly the draining catchment

IV Aquatic Ecology:

- a Documentation of aquatic fauna like macro-invertebrates, zooplankton, phytoplanktons, benthos, periphyton particularly on the rock substratum, so that this could reflect the food and feeding of grazing fish species
- b Fish and fisheries, fish migration, migratory path elimination and seasonal migration pattern and breeding and spawning grounds
- c Fish diversity composition and maximum length & weight of the measured populations and migratory behaviour to be studied for estimation of environmental flow
- d Conservation status of aquatic fauna/fish and benthic communities
- e Sampling for aquatic ecology and fisheries and fisheries must be conducted during three seasons Pre-monsoon (summer), monsoon and winter. Sizes (length & weight) of important fish species need to be collected and breeding and feeding grounds should also be identified along the project site or in vicinity.

V Irrigation and Cropping:

- a Cropping pattern and Horticultural practices in the study area
- b Collection of primary data on agricultural activity, crop and their productivity and irrigation facilities component
- c Component of pressurized/drip irrigation and micro irrigation
- d Details of Conjunctive use of water for irrigation

VI Socio-Economic:

- a Collection of Baseline data on human settlements, health status of the community and existing infrastructure facilities for social welfare including sources of livelihood, job opportunities and safety and security of workers and surrounding population
- b Collection of information with respect to social awareness about the developmental activity in the area and social welfare measures existing and proposed by project proponent
- c Collection of information on sensitive habitat of historical, cultural and religious and ecological importance
- d The Socio-economic survey/profile within 10 Km. of the study area for Demographic profile
- e Economic Structure; Development Profile; Agricultural Practices; Infrastructure, education facilities; health and sanitation facilities; available communication network etc.
- f Documentation of Demographic, Ethnographic, Economic structure and development profile of the area
- g Information on Agricultural practices, Cultural and aesthetic sites, Infrastructure facilities etc
- h Information on the dependence of the local people on minor forest produce and their cattle grazing rights in the forest land.
- i List of all the Project Affected Families with their names, education, land holdings, other properties, occupation, source of income, land and other properties to be acquired, etc
- j In addition to Socio-economic aspects of the study area, a separate chapter on socio-cultural aspects based upon study on Ethnography of the area should be provided

G Impact Prediction and Mitigation Measures

The adverse impact due to the proposed project should be assessed and effective mitigation steps to abate these impacts should be described.

- 1 Air Environment
 - a Changes in ambient and ground level concentrations due to total emissions from point, line and area sources
 - b Effect on soils, material, vegetation and human health
 - c Impact of emissions from DG sets used for power during the construction, if any, on air environment
 - d Pollution due to fuel combustions in equipments & vehicles
 - e Fugitive emissions from various sources.
 - f Impact on micro climate
 - 2 Water Environment
 - a Changes in surface & ground water quality
 - b Steps to develop pisci-culture and recreational facilities
 - c Changes in hydraulic regime and down stream flow.
 - d Water pollution due to disposal of sewage.
 - e Water pollution from labour colony/camps and washing equipment.
 - 3 Land Environment
 - a Changes in land use/land cover and drainage pattern
 - b Immigration of labour population
 - c Quarrying operation and muck disposal.
 - d Changes in land quality including effects of waste disposa
 - e River bank and their stability
 - f Impact due to submergence
 - g Adverse impact on land stability, catchment of soil erosion, reservoir sedimentation and spring flow (if any) [a] due to considerable road construction/widening activity; [b] interference of reservoir with the inflowing streams [c] blasting for excavation of canals and some other structures
 - 4 Biological Environment
 - a Impact on forests, flora, fauna including wildlife, migratory avi-fauna, rare and endangered species, medicinal plants etc
 - b Pressure on existing natural resources
 - c Deforestation and disturbance to wildlife, habitat fragmentation and wild animal's migratory corridors
 - d Compensatory afforestation -Identification of suitable native tree species for compensatory afforestation & green belt
 - e Impact on fish migration and habitat degradation due to decreased flow of water
 - f Impact on breeding and nesting grounds of animal and fish
 - 5 Socio-economic aspects
 - a Impact on local community including demographic profile
 - b Impact on socio-economic status.
 - c Impact on economic status
 - d Impact on human health due to water / vector borne disease
 - e Impact on increases traffic
 - f Impact on Holy Places and Tourism.
 - g Impacts of blasting activity during project construction which generally destabilize the land mass and lead to landslides, damage to properties and drying up of natural springs and cause noise pollution, will be studied. Proper record shall be maintained of the base line information in the post project period
 - h Positive as well as negative impacts likely to be accrued due to the project are to be listed
 - i Positive and negative impacts likely to be accrued due to the project are listed
- H Environment Impact Analysis**
- Environmental Impact Analysis due to the project on the above mentioned components should be carried out for construction and operation phases using qualitative or quantitative methods.
- I Environmental Management Plan**
- Environmental Management Plan aimed at minimizing the negative impacts of the project should be given in detail. The mitigation measures are to be presented for all the likely adverse impacts on the environment. The following suggestive mitigating plans should be included

1 Biodiversity Management Plan

- a Biodiversity and Wild Life Conservation & Management Plan for conservation and preservation of endemic, rare and endangered species of flora and fauna to be prepared in consultation with State Forest Department
- b Compensatory Afforestation in lieu of the forest land required for the project needs to be proposed. Choice of plants should be made in consultation with State Forest Department including native and RET species, if any
- c Fish suitable based passages (Fish passes/Natural bypass) must be included in the plan. This plan must be a scientific based study (seasonal migration) from the Fisheries Research Institute having experience in fish pass studies
- d Fisheries Conservation & Management Plan-Fish fauna inhabiting the affected stretch of river, a specific fisheries management plan should be prepared for river and reservoir
- e Plan for Green Belt Development along the periphery of reservoir, colonies, approach road, canals etc. to be prepared in consultation with the State Forest Department. Local plant species suitable for greenbelt development should be selected
- f Environmental Monitoring Programme with physical & financial details covering all the aspects of EMP. A summary of cost estimate for all the plans, cost for implementing all Environmental Management Plans including the cost for implementing environmental monitoring programme should be given. Provision for an Environmental Management Cell should be made.

2 Disaster Management Plan

- a Catchment Area Treatment (CAT) Plan should be prepared micro-watershed wise. Identification of area for treatment based upon Remote Sensing & GIS methodology and Silt Yield Index (SYI) method of SLUSOI coupled with ground survey. Areas/watersheds falling under 'very severe' and 'severe' erosion categories are required to be treated. Both biological and engineering measures should be proposed in consultation with State Forest Department. Year-wise schedule of work and monetary allocation should be provided. CAT plan is to be completed prior to reservoir impoundment. Mitigations measures to check shifting cultivation in the catchment area with provision for alternative and better agricultural practices should be include
- b Study of Design Earthquake Parameters: A site specific study of earthquake parameters should be done. The results of the site specific earth quake design parameters should be approval by National Committee of Seismic Design Parameters, Central Water Commission (NCSDP), New Delhi
- c Dam Break Analysis and Disaster Management Plan: The outputs of Dam Break Model should be illustrated with appropriate graphs and maps clearly bringing out the impact of Dam break scenario. Provision for early warning systems should be provided
- d Reservoir Rim Treatment Plan for stabilization of land slide/land slip zones if any, around the reservoir periphery to be prepared. Suitable engineering and biological measures for treatment of the identified slip zones to be provided with physical and financial schedule
- e Muck Disposal Plan- suitable sites for dumping of excavated material should be identified in consultation with the State Pollution Control Board and Forest Department. All Muck disposal sites should be minimum 30 m away from the HFL of river. Plan for rehabilitation of muck disposal sites should also be given. The L-section/ cross section of muck disposal sites and approach roads to be given. Financial out lay for this may be given separately. Detailed muck transportation plan delineating the path ways, number of trucks, quantity of muck to be transported along with monitoring mechanism using latest technology, shall be prepared
- f Plan for Restoration of quarry sites and landscaping of colony areas, working areas, roads, etc.
- g Command Area Development (CAD) Plan giving details of implementation schedule with a sample CAD plan

- h In the EMP, also include a sample CAD plan for a distributary outlet command. Such a plan is to show the alignment of irrigation and drainage channels. The components of the OFD works to be undertaken may be clearly mentioned along with a time schedule for their completion vis-à-vis the progress of irrigation development
- i Mitigating measures for impacts due to Blasting on the structures in the vicinity
- 3 Socio - economic aspects
 - a A detailed CER plan along with activities wise break up of financial commitment shall be prepared in terms of the provisions OM No. 22-65/2017-IA.III dated 30.09.2020. CER component shall be identified considering need based assessment study and Public Hearing issues. Sustainable income generating measures which can help in upliftment of affected section of society, which is consistent with the traditional skills of the people shall be identified.
 - b While formulating CER schemes it shall be ensured that an in-built monitoring mechanism for the schemes identified are in place and mechanism for conducting annual social audit from the nearest government institute of repute in the region shall be prepared. The project proponent shall also provide Action Plan for the status of implementation of the scheme from time to time and dovetail the same with any Govt. scheme(s). CER details done in the past should be clearly spelt out in case of expansion projects
 - c Resettlement and Rehabilitation (R&R) Plan need to be prepared with due consultation with Project Affected Families (PAFs). The provision of the R&R plan should be according to the National Resettlement and Rehabilitation Policy (NRRP-2007) as well as State Resettlement and Rehabilitation Policy. Detailed budgetary estimates are to be provided. Resettlements sites should be identified
 - d Public Health Delivery Plan including the provisions for drinking water facility for the local community
 - e Local Area Development Plan to be formulated in consultation with the Revenue Officials and Village Panchayats. Local skill development schemes should be given. Details of various activities to be undertaken along with its financial out lay should be provided
 - f Labour Management Plan for their Health and Safety
 - g Sanitation and Solid Waste Management Plan for domestic waste from colonies and labour camps etc
 - h Plan for Land Restoration and Landscaping of project sites.
- 4 Miscellaneous
 - a Energy Conservation Measures.
 - b Environmental safeguards during construction activities including Road Construction
 - c Ground Water Management Plan
 - d Water and Air Quality & Noise Management Plans to be implemented during construction and post-construction periods.

In the EMP, also include a sample CAD plan for a distributary outlet command. Such a plan is to show the alignment of irrigation and drainage channels. The components of the OFD works to be undertaken may be clearly mentioned along with a time schedule for their completion vis-à-vis the progress of irrigation development

GENERAL GUIDELINES:

- i. The EIA document shall be printed on both sides, as far as possible.
- ii. All documents should be properly indexed, page numbered.
- iii. Period/date of data collection should be clearly indicated.
- iv. Authenticated English translation of all material in Regional languages should be provided.
- v. The letter/application for EC should quote the MOEF&CC file No. and also attach a copy of the letter prescribing the TOR.

- vi. The copy of the letter received from the SEIAA on the TOR prescribed for the project should be attached as an annexure to the final EIA-EMP Report.
- vii. The final EIA-EMP report submitted to the SEIAA must incorporate the issues mentioned in TOR including action plan on the issues emerged during EPH. The index of the final EIA-EMP report, must indicate the specific chapter and page No. of the EIA-EMP Report where the specific TOR prescribed by SEIAA. Questionnaire related to the project (posted on MoEF&CC website) with all sections duly filled in shall also be submitted at the time of applying for EC.
- viii. Grant of ToR does not mean grant of EC.
- ix. The status of accreditation of the EIA consultant with NABET/QCI shall be specifically mentioned. The consultant shall certify that his accreditation is for the sector for which this EIA is prepared.
- x. On the front page of EIA/EMP reports, the name of the consultant/consultancy firm along with their complete details including their accreditation, if any shall be indicated. The consultant while submitting the EIA/EMP report shall give an undertaking to the effect that the prescribed ToRs (ToR proposed by the project proponent and additional ToR given by the MoEF&CC) have been complied with and the data submitted is factually correct (Refer MoEF&CC Office memorandum dated 4th August, 2009).
- xi. While submitting the EIA/EMP reports, the name of the experts associated with/involved in the preparation of these reports and the laboratories through which the samples have been got analysed should be stated in the report. It shall clearly be indicated whether these laboratories are approved under the Environment (Protection) Act, 1986 and the rules made there under (Please refer MoEF&CC Office Memorandum dated 4th August, 2009). The project leader of the EIA study shall also be mentioned.
- xii. All the ToR points as presented before the State Expert Appraisal Committee (SEAC) shall be covered.

Specific Terms of Reference:

- *The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC (if Credible Action was not initiated).*
- *The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority. The proponent also shall pay penalty amount to be levied by SELLA as per O.M. dt: 07.07.2021.*
- *Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.*
- *Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.*
- *The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.*
- *Funds shall be allocated for Corporate Environment Responsibility (CER) for various activities therein. The details of fund allocation and activities for CER shall be incorporated in the EIA/EMP report.*

- xiii. The above ToR should be considered for preparation of EIA Report in addition to all the relevant information as per the 'Generic Structure of EIA' given in Appendix III and IIIA in the EIA Notification, 2006 & its subsequent amendments.
- xiv. The consultants involved in preparation of EIA/EMP report after accreditation with Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other Organization(s)/ Laboratories including their status of approvals etc., vide Notification dt. 19.07.2013 of the MoEF&CC.
- xv. The project proponent shall submit the detailed final EIA/EMP prepared as per ToRs, to the SEIAA for considering the proposal for Environmental Clearance within 4 years, as per the O.M. No.J-11013/41/2006-IA-11(1) (P) dt. 08.10.2014 of the MoEF&CC, GoI.
- xvi. **The project proponent should stop construction activity forthwith and shall also comply with the terms of the provisions of the S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018; and O.M. dt. 07.07.2021 issued by the MoEF&CC, GoI w.r.t. SOP for identification and handling of violation cases under EIA Notification., 2006.**
- xvii. The prescribed ToRs would be valid for a period of (5) five years as per the O.M. No.IA3-22/10/2022-IA-III (E 177258) (P) dt. 08.06.2022 of the MoEF&CC, GoI for submission of the EIA/EMP Reports.

Additional TORs:

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT, Chennai

Sd/-
MEMBER SECRETARY
SEIAA, T.S.

Sd/-
MEMBER
SEIAA, T.S.

Sd/-
CHAIRMAN,
SEIAA, T.S.

To
Sri. B. Shankar, Engineer-in-Chief, (Irrigation),
Indiramma Flood Flow Canal Project from
Sri RamaSagar Project with expansion of
Gouravelly Reservoir,
LMD Colony, Karimnagar, Telangana- 505527
Ph.No: +91 90004 69450
Email:enc-knr-icad@telangana.gov.in

Copy to :

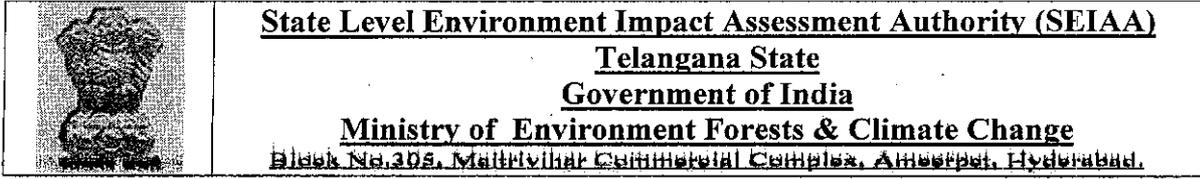
1. Prof. Ch. Krishna Reddy, Chairman, SEAC, T.S. for kind information.
2. The Member Secretary, TSPCB for kind information.
3. The EE, RO: SRD-II, TSPCB for information.
4. The IRO, MoEF&CC, GoI, Hyderabad for kind information.
5. The Director of Mines & Geology Dept., Hyderabad for kind information
6. The Secretary, MoEF&CC, GoI, New Delhi for kind information

//T.C.F.B.O.//



JOINT CHIEF ENVIRONMENTAL ENGINEER





REGD.POST WITH ACK.DUE

Lr No.4/TSPCB/EC/SEIAA/General/2015- 70

Dt:26.06.2023

To

**The Joint Secretary, I.A. Division,
 MoEF&CC, GoI,
 Indira Paryavaran Bhawan,
 Jorbagh Road, New Delhi.**

Sir,

Sub: SEIAA, TS - Original Application No. 180 of 2021 in the National Green Tribunal, Southern Zone, Chennai filed by Sri Baddam Raji Reddy and Ors., Vs Union of India & others Hon'ble NGT order dt.26.05.2023 – Compliance Report submitted - Reg.

Ref:

1. SEIAA, TS TOR No.SEIAA/TS/OL/SDPT-3/2022, dt.15.02.2023 issued to the Engineer in Chief, Indiramma Flood Flow Canal Project from Sri RamaSagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly (V), Akkannapet (M), Siddipet District.
2. The Director, IRO, Hyderabad, MoEF&CC, GoI, letter No.EP(A)/IRO-Hyd/NGT(SZ)/ENV/089/440, dt.05.06.2023.
3. Mail dt.09.06.2023 received from Dr. Saurabh Upadhyay, Dy. Director/ Scientist C, MoEF&CC, GoI. along with the letter F.No.L-11011/11/2021-IA.I (RV), dt.09.06.2023.

This is with reference to the MoEF&CC, GoI letters vide references 2nd & 3rd cited above, wherein it was requested to provide compliance report on the instructions of Hon'ble NGT Southern Zone, Chennai order dt.26.05.2023 in Original Application No. 180 of 2021 by Baddam Raji Reddy and Ors. Vs Union of India & others along with current status of the project "Whether the construction started before the grant of EC".

In this regard, it is to submit that the Engineer in Chief, Indiramma Flood Flow Canal Project from Sri RamaSagar Project, I&CAD Dept., GoTS had applied through PARIVESH Portal for TOR under violation category for expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly (V), Akkannapet (M), Siddipet District vide proposal No. SIA/TG/RIV/409365/2022 on 06.12.2022, as per the minutes of EAC meeting held on 15.06.2022 and MoEF&CC, GoI Notification S.O.No.1886 (E), dt.20.04.2022. It was noted that 85% of work was completed by the time NGT case was filed. After review of the proposal the SEIAA, TS issued TORs order No.SEIAA/TS/OL/SDPT-3/2022, dt.15.02.2023 as per MoEF&CC, GoI Notifications S.O.No.804 (E) dt.14.03.2017 & S.O.1030 (E), dt.08.03.2018 and OM dt.07.07.2021 & 28.01.2022. A copy of the TOR order is annexed. The proponent is yet to

submit draft EIA report along with compliance of the Hon'ble NGT Order to the TSPCB for conducting Environmental Public Hearing.

This is submitted for kind information and necessary action.

Encl: As above

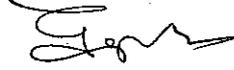
Yours faithfully,

Sd/-
**MEMBER SECRETARY,
SEIAA, TS**

Copy submitted to:

1. The Special Chief Secretary, E,S&T Dept., TS Secretariat, Hyderabad for favour of kind information.
2. Sri Yogendrapal Singh, Scientist'E', MoEF&CC, GoI, (IA-Division), Indira Paryavaran Bhawan, Jorbagh Road, New Delhi.
3. The Integrated Regional Officer, MoEF&CC, GOI, Hyderabad for kind information.

//T.C.F.B.O.//



Joint Chief Environmental Engineer

[Handwritten initials]
3/6

**Order No. SEIAA/TS/OL/SDPT-37/2022-****Dt:15.02.2023.**

Sub: SEIAA – Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District – TORs [Violation] with Public Hearing issued – Reg.

* * *

- I. This has reference to your proposal No. SIA/TG/RIV/409365/2022, dt. 06.12.2022 (accepted on **16.12.2022**) submitted to the SEIAA, Telangana seeking Terms of Reference (ToR) in terms of the provisions of Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986. The project is for **Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District.**
- II. The proposal for grant of Terms of Reference (ToR) to the proposed project was considered by the State level Expert Appraisal Committee (SEAC) in its meeting held on **03.01.2023**. The SEAC observed the following:

The representative of the project proponent Sri Shankar (Engineer in Chief); and Dr. Ramakrishna of M/s. EPTRI, Hyderabad attended and made a presentation before the SEAC.

During presentation, the proponent informed the following:

- **Concept of IFFC project from SRSP is:**
 - Sri Ramasagar Project (SRSP) reservoir was commissioned in the year 1964-69 with a capacity of 112 TMC at Pochampad (V), Nizamabad district to irrigate an ayacut of 14.08 Lakh acres in Stage-I and Stage-II.
 - Flood Flow Canal project was proposed by the then Government of Andhra Pradesh envisaging diversion of balance surplus water available at SRSP reservoir after meeting the requirement of SRSP Stage-I&II.
 - The Head regulator was provided in the foreshore of SRSP for diversion of water from the said reservoir into the Flood Flow Canal.
 - The main aim of the Flood Flow Canal project is to irrigate an ayacut of 89,031 Ha (2,20,000 acres) in the upland drought prone areas of Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda and Jangaon (erstwhile districts of Karimnagar, Warangal and Nalgonda) districts in Telangana region duly utilising 20 TMC of flood water of Godavari river from the fore shore of SRSP reservoir.
- **Background of the project is:**
 - The Technical Advisory committee (TAC) of Central Water Commission (CWC) in its 64th meeting on 03.04.1996 approved the project components comprising the following three (3 Nos) reservoirs for an estimated cost of Rs.1331.30 Cr @ Price Level 1992-93.
 - Combined Storage Reservoir-I (Storage Capacity : 7.346 TMC, Ayacut : 32,000 acres)
 - Mid Manair Reservoir (Storage Capacity : 25.873 TMC, Ayacut : 68,000 acres)
 - Gouravelly Reservoir (Storage Capacity : 1.095 TMC, Ayacut : 1,20,000 acres)
 - The then Government of Andhra Pradesh vide G.O. Ms. No. 209 dated 17.11.1997 deleted the combined storage reservoir-I across Peddavagu-II and Korutla vagu near Konaraopet(V), Karimnagar district with a storage capacity of 7.346 TMC to irrigate an ayacut of 12950Ha (32,000 Acres).

- The Environmental clearance for the IFFC Project from SRSP was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003 to irrigate an ayacut of 2,20,000 acres duly utilizing 20 TMC of Flood water of Godavari river water from foreshore of Sriramsagar project.
 - Mid Manair Reservoir – 25.873 TMC
 - Gouravelly Reservoir – 1.410 TMC
- The statutory clearance w.r.t. the project are:
 - The Forest clearances for canals and reservoirs was accorded vide Lr. Ref. No. 50907/99/F.1, Dt: 14-03-2000 & 14.09.2000 respectively.
 - The Site clearance for investigation & survey was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.24.06.2002.
 - The Environmental clearance was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003.
 - The Rehabilitation and Resettlement clearance is received from the Govt. of India vide MOTA Lr. no.20011/4/2003- CP & R, Dt: 02-09-2004.
 - The Planning Commission (water Resources Division) accepted for investment in the State Plan with an estimated cost of Rs 1331.30 crores vide Lr.No.2 (322)/03-WR Dt: 08.12.2005
- The details of Hon'ble NGT case w.r.t. the project are:
 - The Government of Telangana has accorded administrative approval for the Gouravelly reservoir project with enhanced capacity from 1.410 TMC to 8.23 TMC vide G.O.Ms. No. 533, I&CAD (Projects-IV) Department Dt: 26.05.2017 and 85% of work was completed by the time of NGT Case was filed.
 - The submerging villagers of Gouravelly reservoir had filed the case **OA no 180 of 2021** on 10th August 2021 before the Hon'ble NGT (SZ), Chennai on the ground that the irrigation and CAD department of State of Telangana under the Re-engineering proposal issued orders for expansion of Gouravelly Reservoir from 1.410 TMC to 8.230 TMC without obtaining prior EC from Ministry.
 - The Joint Committee constituted by the NGT, Chennai was formed on 13th August 2021
 - Joint committee had a site visit on 23rd September 2021 and submitted a report on 29th September 2021 in which it has reported that the scope of the project has been changed without approval of MoEF & CC.
 - The committee has proposed an Environmental Compensation of Rs.2,05,31,250 (Rs.2.05 Crores) for Violation.
 - MoEF&CC issued show cause notice to I&CAD Department on 7th January 2022.
 - I&CAD submitted the replies to show cause notice on 27th January 2022.
 - NGT has disposed the case on 10th February 2022 duly directing the MoEF&CC to complete the process of enquiry and to submit the report in four months
- EAC has scheduled a meeting on 15th June 2022 for the replies to show cause.
- Based on the EAC meeting the committee suggested a fresh proposal under violation category

29.4.3 The EAC during deliberations observed that based on fact submitted by the project proponent and report of the Joint Committee, it has been confirmed that the project involves violation and the project will be appraised by the EAC as per the standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006 mentioned in OM dated 07.07.2021.

- The EAC therefore, suggested the project proponent to submit the proposal a fresh at PARIVESH portal for terms of reference (TOR) under violation category.
- Accordingly, the proponent submitted Form-I for TOR on 02.09.2022 at the MoEF&CC, Gol. But, the Ministry did not consider the proposal as the project becomes Category-B project as per S.O.1886(E), dt.20.04.2022. Hence, the proponent re-submitted the proposal for TOR to the SEIAA, TS on 06.12.2022.

The SEAC noted the details of the project as following:

- The Indiramma Flood Flow Canal Project (IFFC) envisages diversion of flood water from Sri Ramasagar Project (SRSP).
 - Ayacut 89,031 ha.
 - Drought prone areas - erstwhile districts of Karimnagar, Warangal and Nalgonda (present districts Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda and Jangaon)
 - Excess flood – Once in four years
- The storage facilities for storing such flood plays major role in harnessing and conserving flood water.

The SEAC noted that the project components are:

➤ **Water conveyance system:**

- FFC Canal :122 km
- Reverse lift pump houses: 3 number
- MMR Canals:103.375 km
- Tunnel – 11.98 km
- Pump house – 3 x 32MW(3x19cumecs)
- Gouravelly Canals-63.725 km
- High Level Canals-20.845 Km

➤ **Reservoir:**

- Mid Manair Reservoir : 25.873 TMC
- Gouravelly reservoir : 8.23 TMC

➤ **Distributory network system:**

- MMR Command Area – 40,470 ha (1,00,000 acres)
- Gouravelly Command Area – 48,561 ha (1,20,000 acres) in Karimnagar, Siddipet, Hanumakonda and Jangaon Districts.

The SEAC noted that the command area of 89,031 Ha. falls in the Districts of Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda & Jangaon

During presentation, the proponent informed the following w.r.t. Expansion of Gouravelly Reservoir Project:

- The Sriramsagar project was designed with a **capacity of 112 TMC**. But due to heavy siltation the **effective storage capacity is decreased to 90 TMC**, increasing the untapped flood water. In this context it is also an edge to have more storage capacity for tapping such flood.
- The excess flood as per the data available occurs once in every four years in SRSP. The storage facilities for storing such flood plays major role in harnessing and conserving flood water.
- After formation of Telangana state the Government has reviewed the existing irrigation project and as a part of effective utilisation of water allocation and to compensate the storage lost due to **deletion of Combined Storage Reservoir (7.346 TMC)** near Konaraopet (V), an alternate proposal of increasing the **Gouravelly reservoir capacity from 1.409 TMC to 8.230 TMC** has been proposed.

The SEAC confirmed the project as a case of violation of the EIA Notification, 2006 and the project has to be considered in the terms of provisions of the S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018; and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 issued by the MoEF&CC, Gol w.r.t. SOP for identification and handling of violation cases under EIA Notification., 2006.

After detailed discussions, the proponent is directed to prepare EIA report, as per the Standard Terms of Reference (TORs) issued by the MoEF&CC, Gol for "1 (c) river valley projects" and following Additional TORs along with the Specific Terms of Reference w.r.t. violation as per S.O.No.804 (E) dt.14.03.2017 & S.O.1030 (E), dt.08.03.2018 and OM dt. 07.07.2021 & 28.01.2022 undergo the process of Public Hearings (District wise) in consultation with TSPCB and submit final EIA report along with minutes of Public Hearings & response of the proponent to the issues emerged in the Public Hearings to the SEAC for appraisal.

Additional TORs:

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT, Chennai

III. Accordingly, the proposal along with recommendations of SEAC, Telangana was examined by the State level Environment Impact Assessment Authority (SEIAA) in its meetings held on **04.02.2023** and observed the following:

The SELAA discussed the recommendations of the SEAC in detail and noted that the proponent has started project activity without obtaining EC and violated EIA Notification, 2006.

However, approved the project for issue of TORs (Violation) with public hearing. The proponent is directed to stop the activity forthwith and shall comply with the MoEF&CC, GoI, OM No22-21/2020-IA.III dt.07.07.2021. The proponent shall prepare EIA report as per the Standard Terms of Reference (TORs) issued by the MoEF&CC, GoI for "1 (c) river valley projects" and following Additional TORs.

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of the Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT, Chennai

IV. In view of the above, **the SEIAA, Telangana hereby accords ToRs with public hearing to the project** for preparation of the Environment Impact Assessment (EIA) Report and Environment Management Plan (EMP). The TORs and general guidelines for preparation of EIA & EMP report are as following:

STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT IMPACT ASSESSMENT STUDY FOR RIVER VALLEY PROJECTS & IRRIGATION PROJECTS AND INFORMATION TO BE INCLUDED IN EIA/EMP REPORT.

A. Scope of EIA Study

The EIA Report should identify the relevant environmental concerns and focus on potential impacts that may change due to the construction of proposed project. Based on the baseline data collected for three (3) seasons (Pre-monsoon, Monsoon and Winter seasons), the status of the existing environment in the area and capacity to bear the impact on this should be analysed. Based on this analysis, the mitigation measures for minimizing the impact shall be suggested in the EIA/EMP study

B. Details of the Project and Site

- 1 General introduction about the proposed project
- 2 Details of Project and site giving L-Sections of all U/S and D/S Projects with all relevant maps and figures. Connect such information as to establish the total length of interference of Natural River and the committed unrestricted release from the site of Dam/Barrage into the main river
- 3 A map of boundary of the project site giving details of protected areas in the vicinity of 25 km of project location
- 4 Location details on a map of the project area with contours indicating main project features. The project layout shall be superimposed on a contour map of ground elevation showing main project features (viz. location of dam, Head works, main canal, branch canals, quarrying etc.) shall be depicted in a scaled map
- 5 Layout details and map of the project along with contours with project components clearly marked with proper scale maps of at least 1:50,000 scale and printed at least on A3 scale for clarity
- 6 Existence of National Park, Sanctuary, Biosphere Reserve etc. in the study area, if any, should be detailed and presented on a map with distinct distances from the project components
- 7 Drainage pattern and map of the river catchment up to the proposed project site.

- 8 Delineation of critically degraded areas in the directly draining catchment on the basis of Silt Yield Index as per the methodology of Soil and Land use Survey of India
 - 9 Soil characteristics and map of the project area
 - 20 Geological and Seismo-tectonic details and maps of the area surrounding the proposed project site showing location of dam site and canal sites
 - 11 Remote Sensing studies, interpretation of satellite imagery, topographic sheets along with ground verification shall be used to develop the land use/land cover pattern of the study using overlaying mapping techniques viz. Geographic Information System (GIS), False Color Composite (FCC) generated from satellite data of project area
 - 12 Land details including forests, private and other land
 - 13 Demarcation of snow fed and rain fed areas for a realistic estimate of the water availability
- C. Description of Environment and Baseline Data**
- 1 To know the present status of environment in the area, baseline data with respect to environmental components air, water, noise, soil, land and biology & biodiversity (flora & fauna), wildlife, socioeconomic status etc. should be collected within 10 km radius of the main components of the project/site i.e. dam site and power house site. The air quality and noise are to be monitored at such locations which are environmentally & ecologically more sensitive in the study area. The baseline studies should be collected for 3 seasons (Pre-Monsoon, Monsoon and Post Monsoon seasons)
 - 2 Flora-Fauna in the catchment and command area should be documented. The study area should comprise of the following:
 - a Catchment area up to the dam/barrage site
 - b Submergence Area
 - c Project area or the direct impact area should comprise of area within 10 km radius of the main project components like dam, canals etc
- D. Details of the Methodology**
- The methodology followed for collection of base line data along with details of number of samples and their locations in the map should be included. Study area should be demarcated properly on the appropriate scale map. Sampling sites should be depicted on map for each parameter with proper legends. For Forest Classification, Champion and Seth (1968) methodology should be followed
- E. Methodology for Collection of Biodiversity Data**
- 1 The number of sampling locations should be adequate to get a reasonable idea of the diversity and other attributes of flora and fauna. The guiding principles should be the size of the study area (larger area should have larger number of sampling locations) and inherent diversity at the location, as known from secondary sources (e.g. eastern Himalayan and low altitude sites should have a larger number of sampling locations owing to higher diversity).
 - 2 The entire area should be divided in grids of 5kmX5km preferably on a GIS domain. There after 25% of the grids should be randomly selected for sampling of which half should be in the directly affected area (grids including project components such as reservoir, dam, powerhouse, tunnel, canal etc.) and the remaining in the rest of the area (areas of influence in 10 km radius from project components). At such chosen location, the size and number of sampling units (e.g. quadrates in case of flora/transects in case of fauna) must be decided by species area curves and the details of the same (graphs and cumulative number of species in a tabulated form) should be provided in the EIA report. Some of the grids on the edges may not be completely overlapping with the study area boundaries. However, these should be counted and considered for selecting 25% of the grids. The number of grids to be surveyed may come out as a decimal number (i.e. it has an integral and a fractional part) which should be rounded to the next whole number.
 - 3 The conventional sampling is likely to miss the presence of rare, endangered and threatened (r.e.t.) species since they often occur in low densities and in case of faunal species are usually secretive in behaviour. Reaching the conclusion about the absence of such species in the study area based on such methodology is misleading. It is very important to document the status of such species owing to their high conservation value. Hence likely presence of such species should be ascertained from secondary sources by a proper literature survey for the said area including referring to field guides which are now available for many taxonomic groups in India. Even literature from studies/surveys in the larger landscapes which include the study area for the concerned project must be referred to, since most species from adjoining catchments is likely to be present in the catchments in question. In fact such literature from the entire state can be referred to. Once a listing of possible r.e.t. species from the said area is developed, species specific methodologies should be adopted to ascertain their presence in the study area which

would be far more conclusive as compared to the conventional sampling. If the need be, modern methods like camera trapping can be resorted to, particularly for areas in the eastern Himalayas and for secretive/nocturnal species. A detailed listing of the literature referred to, for developing lists of r.e.t. species should be provided in the EIA reports. The conventional sampling is likely to miss the presence of rare, endangered and threatened (r.e.t.) species since they often occur in low densities and in case of faunal species are usually secretive in behaviour. Reaching the conclusion about the absence of such species in the study area based on such methodology is misleading. It is very important to document the status of such species owing to their high conservation value. Hence likely presence of such species should be ascertained from secondary sources by a proper literature survey for the said area including referring to field guides which are now available for many taxonomic groups in India. Even literature from studies/surveys in the larger landscapes which include the study area for the concerned project must be referred to, since most species from adjoining catchments is likely to be present in the catchments in question. In fact such literature from the entire state can be referred to. Once a listing of possible r.e.t. species from the said area is developed, species specific methodologies should be adopted to ascertain their presence in the study area which would be far more conclusive as compared to the conventional sampling. If the need be, modern methods like camera trapping can be resorted to, particularly for areas in the eastern Himalayas and for secretive/nocturnal species. A detailed listing of the literature referred to, for developing lists of r.e.t. species should be provided in the EIA reports.

4. The R.E.T. species referred to in this point should include species listed in Schedule I and II of Wildlife (Protection) Act, 1972 and those listed in the red data books (BSI, ZSI and IUCN).

F. Components of the EIA Study

Various aspects to be studied and provided in the EIA/EMP report are as follows:

I. Physical and Chemical Environment

1 Geological & Geophysical Aspect and Seismo- Tectonics:

- a Physical geography, Topography, Regional Geological aspects and structure of the Catchment
- b Tectonics, seismicity and history of past earthquakes in the area. A site specific study of the earthquake parameters will be done. The results of the site specific earthquake design shall be sent for approval of the NCSDP (National Committee of Seismic Design Parameters, Central water Commission, New Delhi for large dams
- c Landslide zone or area prone to landslide existing in the study area should be examined
- d Presence of important economic mineral deposit, if any
- e Justification for location & execution of the project in relation to structural components (dam /barrage height)
- f Impact of project on geological environment.

2 Meteorology, Air and Noise:

- a Meteorology (viz. Temperature, Relative humidity, wind speed/direction etc.) to be collected from nearest IMD station
- b Ambient Air Quality with parameters viz. Suspended Particulate Matter (SPM), Respirable Suspended Particulate Matter (RSPM) i.e. suspended particulate materials < 10 microns, Sulphur dioxide (SO₂) and Oxides of Nitrogen (NO_x) in the study area at 5-6 Locations
- c Existing Noise Levels and traffic density in the study area at 5-6 Locations.

3 Soil Characteristics:

Soil classification, physical parameters (viz., texture, Porosity, Bulk Density and water holding capacity) and chemical parameters (viz. pH, electrical conductivity, magnesium, calcium, total alkalinity, chlorides, sodium, potassium, organic carbon, available potassium, available phosphorus, SAR, nitrogen and salinity, etc.) at @ one sample/1000 ha of command area.

4 Remote Sensing and GIS Studies:

- a Generation of thematic maps viz. slope map, drainage map, soil map, land use and land cover map, etc. Based on these, thematic maps, an erosion intensity map should be prepared.
- b New configuration map to be given in the EIA Report

5 Water Quality:

- a History of the ground water table fluctuation in the study area.

- b Water Quality for both surface water and ground water for [i] Physical parameters (pH, Temperature, Electrical Conductivity, TSS); [ii] Chemical parameters (Alkalinity, Hardness, BOD, COD, NO₃, PO₄, Cl, So₄, Na, K, Ca, Mg, Silica, Oil & grease, phenolic compounds, residual sodium carbonate); [iii] Bacteriological parameter (MPN, Total coliform); and [iv] Heavy Metals (Pb, As, Hg, Cd, Cr₆, Total Cr, Cu, Zn, Fe) at minimum 10 Locations, however, the sampling numbers should be increased depending on the command area
- c Delineation of sub and micro watersheds, their locations and extent based on the Soil and Land Use Survey of India (SLUSOI), Department of Agriculture, Government of India. Erosion levels in each micro-watershed and prioritization of micro-watershed through Silt Yield Index (SYI) method of SLUSOI

II Water Environment & Hydrology:

- a Hydro-Meteorology of the project viz. precipitation (snowfall, rainfall), temperature, relative humidity, etc. Hydro-meteorological studies in the catchment area should be established along-with real time telemetry and data acquisition system for inflows monitoring
- b Run off, discharge, water availability for the project, sedimentation rate, etc
- c Basin characteristics
- d Catastrophic events like cloud bursts and flash floods, if any, should be documented.
- e For estimation of Sedimentation Rate, direct sampling of river flow is to be done during the EIA study. The study should be conducted for minimum one year. Actual silt flow rate to be expressed in ha-m km² year⁻¹.
- f Set up a G&D monitoring station and a few rain gauge stations in the catchment area for collecting data during the investigation.
- g Flow series, 10 daily with 90%, 75% and 50% dependable years discharges.
- h Environmental flow release should be 20% of the average of the 4 lean months of 90% dependable year (MAF) during the lean season and 30% of Monsoon flow during monsoon season. For remaining months, the flow shall be decided by the Committee based on the hydrology and available discharge.
- i A site specific study on minimum environment flow should be carried out.

III Biological Environment:

1 Flora

- a Characterization of forest types (as per Champion and Seth method) in the study area and extent of each forest type as per the Forest Working Plan.
- b General vegetation profile and floral diversity covering all groups of flora including Bryophytes, Pteridophytes, Lichens and Orchids. A species wise list may be provided
- c Assessment of plant species with respect to dominance, density, frequency, abundance, diversity index, similarity index, importance value index [IVI], Shannon Weiner Index etc. of the species to be provided. Methodology used for calculating various diversity indices along with details of locations of quadrats, size of quadrats etc. to be reported within the study area in different ecosystems
- d Existence of National Park, Sanctuary, Biosphere Reserve etc in the study area, if any, should be detailed.
- e Economically important species like medicinal plants, timber, fuel wood etc.
- f Details of endemic species found in the project area
- g Flora under RET categories should be documented using International Union for the Conservation of Nature and Natural Resources (IUCN) criteria and Botanical Survey of India's Red Data list along with economic significance. Species diversity curve for RET species should be given

2 Fauna:

- a Fauna study and inventorisation should be carried out for all groups of animals including reptiles.
- b and nocturnal animals in the study area. Their present status along with Schedule of the species
- c Information (authenticated) on Avi-fauna and wild life in the study area
- d Status of avifauna their resident/migratory/ passage migrants etc.
- e Documentation of butterflies, if any, found in the area
- f Details of endemic species found in the project area

- g RET species- voucher specimens should be collected along with GPS readings to facilitate rehabilitation. RET faunal species to be classified as per IUCN Red Data list and as per different schedule of Indian Wildlife (Protection) Act, 1972
 - h Existence of barriers and corridors, if any, for wild animals
 - i Compensatory afforestation to compensate the green belt area that will be removed, if any, as part of the proposed project development and loss of biodiversity
 - j For categorization of sub-catchments into various erosion classes and for the consequent CAT plan, the entire catchment (Indian Portion) is to be considered and not only the directly the draining catchment
- IV Aquatic Ecology:**
- a Documentation of aquatic fauna like macro-invertebrates, zooplankton, phytoplanktons, benthos, periphyton particularly on the rock substratum, so that this could reflect the food and feeding of grazing fish species
 - b Fish and fisheries, fish migration, migratory path elimination and seasonal migration pattern and breeding and spawning grounds
 - c Fish diversity composition and maximum length & weight of the measured populations and migratory behaviour to be studied for estimation of environmental flow
 - d Conservation status of aquatic fauna/fish and benthic communities
 - e Sampling for aquatic ecology and fisheries and fisheries must be conducted during three seasons Pre-monsoon (summer), monsoon and winter. Sizes (length & weight) of important fish species need to be collected and breeding and feeding grounds should also be identified along the project site or in vicinity.
- V Irrigation and Cropping:**
- a Cropping pattern and Horticultural practices in the study area
 - b Collection of primary data on agricultural activity, crop and their productivity and irrigation facilities component
 - c Component of pressurized/drip irrigation and micro irrigation
 - d Details of Conjunctive use of water for irrigation
- VI Socio-Economic:**
- a Collection of Baseline data on human settlements, health status of the community and existing infrastructure facilities for social welfare including sources of livelihood, job opportunities and safety and security of workers and surrounding population
 - b Collection of information with respect to social awareness about the developmental activity in the area and social welfare measures existing and proposed by project proponent
 - c Collection of information on sensitive habitat of historical, cultural and religious and ecological importance
 - d The Socio-economic survey/profile within 10 Km of the study area for Demographic profile
 - e Economic Structure; Development Profile; Agricultural Practices; Infrastructure, education facilities; health and sanitation facilities; available communication network etc.
 - f Documentation of Demographic, Ethnographic, Economic structure and development profile of the area
 - g Information on Agricultural practices, Cultural and aesthetic sites, infrastructure facilities etc
 - h Information on the dependence of the local people on minor forest produce and their cattle grazing rights in the forest land.
 - i List of all the Project Affected Families with their names, education, land holdings, other properties, occupation, source of income, land and other properties to be acquired, etc
 - j In addition to Socio-economic aspects of the study area, a separate chapter on socio-cultural aspects based upon study on Ethnography of the area should be provided
- G Impact Prediction and Mitigation Measures**
- The adverse impact due to the proposed project should be assessed and effective mitigation steps to abate these impacts should be described.

- 1 Air Environment
 - a Changes in ambient and ground level concentrations due to total emissions from point, line and area sources
 - b Effect on soils, material, vegetation and human health
 - c Impact of emissions from DG sets used for power during the construction, if any, on air environment
 - d Pollution due to fuel combustions in equipments & vehicles
 - e Fugitive emissions from various sources.
 - f Impact on micro climate
- 2 Water Environment
 - a Changes in surface & ground water quality
 - b Steps to develop pisci-culture and recreational facilities
 - c Changes in hydraulic regime and down stream flow.
 - d Water pollution due to disposal of sewage.
 - e Water pollution from labour colony/camps and washing equipment.
- 3 Land Environment
 - a Changes in land use/land cover and drainage pattern
 - b Immigration of labour population
 - c Quarrying operation and muck disposal.
 - d Changes in land quality including effects of waste disposa
 - e River bank and their stability
 - f Impact due to submergence
 - g Adverse impact on land stability, catchment of soil erosion, reservoir sedimentation and spring flow (if any) [a] due to considerable road construction/widening activity [b] interference of reservoir with the inflowing streams [c] blasting for excavation of canals and some other structures
- 4 Biological Environment
 - a Impact on forests, flora, fauna including wildlife, migratory avi-fauna, rare and endangered species, medicinal plants etc
 - b Pressure on existing natural resources
 - c Deforestation and disturbance to wildlife, habitat fragmentation and wild animal's migratory corridors
 - d Compensatory afforestation -Identification of suitable native tree species for compensatory afforestation & green belt
 - e Impact on fish migration and habitat degradation due to decreased flow of water
 - f Impact on breeding and nesting grounds of animal and fish
- 5 Socio-economic aspects
 - a Impact on local community including demographic profile
 - b Impact on socio-economic status.
 - c Impact on economic status
 - d Impact on human health due to water / vector borne disease
 - e Impact on increases traffic
 - f Impact on Holy Places and Tourism.
 - g Impacts of blasting activity during project construction which generally destabilize the land mass and lead to landslides, damage to properties and drying up of natural springs and cause noise pollution, will be studied. Proper record shall be maintained of the base line information in the post project period
 - h Positive as well as negative impacts likely to be accrued due to the project are to be listed
 - i Positive and negative impacts likely to be accrued due to the project are listed

H Environment Impact Analysis

Environmental Impact Analysis due to the project on the above mentioned components should be carried out for construction and operation phases using qualitative or quantitative methods.

I Environmental Management Plan

Environmental Management Plan aimed at minimizing the negative impacts of the project should be given in detail. The mitigation measures are to be presented for all the likely adverse impacts on the environment. The following suggestive mitigating plans should be included

1 Biodiversity Management Plan

- a Biodiversity and Wild Life Conservation & Management Plan for conservation and preservation of endemic, rare and endangered species of flora and fauna to be prepared in consultation with State Forest Department
- b Compensatory Afforestation in lieu of the forest land required for the project needs to be proposed. Choice of plants should be made in consultation with State Forest Department including native and RET species, if any
- c Fish suitable based passages (Fish passes/Natural bypass) must be included in the plan. This plan must be a scientific based study (seasonal migration) from the Fisheries Research Institute having experience in fish pass studies
- d Fisheries Conservation & Management Plan-Fish fauna inhabiting the affected stretch of river, a specific fisheries management plan should be prepared for river and reservoir
- e Plan for Green Belt Development along the periphery of reservoir, colonies, approach road, canals etc. to be prepared in consultation with the State Forest Department. Local plant species suitable for greenbelt development should be selected
- f Environmental Monitoring Programme with physical & financial details covering all the aspects of EMP. A summary of cost estimate for all the plans, cost for implementing all Environmental Management Plans including the cost for implementing environmental monitoring programme should be given. Provision for an Environmental Management Cell should be made.

2 Disaster Management Plan

- a Catchment Area Treatment (CAT) Plan should be prepared micro-watershed wise. Identification of area for treatment based upon Remote Sensing & GIS methodology and Silt Yield Index (SYI) method of SLUSOI coupled with ground survey. Areas/watersheds falling under 'very severe' and 'severe' erosion categories are required to be treated. Both biological and engineering measures should be proposed in consultation with State Forest Department. Year-wise schedule of work and monetary allocation should be provided. CAT plan is to be completed prior to reservoir impoundment. Mitigations measures to check shifting cultivation in the catchment area with provision for alternative and better agricultural practices should be include
- b Study of Design Earthquake Parameters: A site specific study of earthquake parameters should be done. The results of the site specific earth quake design parameters should be approval by National Committee of Seismic Design Parameters, Central Water Commission (NCSDP), New Delhi
- c Dam Break Analysis and Disaster Management Plan: The outputs of Dam Break Model should be illustrated with appropriate graphs and maps clearly bringing out the impact of Dam break scenario. Provision for early warning systems should be provided
- d Reservoir Rim Treatment Plan for stabilization of land slide/land slip zones if any, around the reservoir periphery to be prepared. Suitable engineering and biological measures for treatment of the identified slip zones to be provided with physical and financial schedule
- e Muck Disposal Plan- suitable sites for dumping of excavated material should be identified in consultation with the State Pollution Control Board and Forest Department. All Muck disposal sites should be minimum 30 m away from the HFL of river. Plan for rehabilitation of muck disposal sites should also be given. The L-section/ cross section of muck disposal sites and approach roads to be given. Financial out lay for this may be given separately. Detailed muck transportation plan delineating the path ways, number of trucks, quantity of muck to be transported along with monitoring mechanism using latest technology, shall be prepared
- f Plan for Restoration of quarry sites and landscaping of colony areas, working areas, roads, etc.
- g Command Area Development (CAD) Plan giving details of implementation schedule with a sample CAD plan

- h In the EMP, also include a sample CAD plan for a distributary outlet command. Such a plan is to show the alignment of irrigation and drainage channels. The components of the OFD works to be undertaken may be clearly mentioned along with a time schedule for their completion vis-à-vis the progress of irrigation development
- i Mitigating measures for impacts due to Blasting on the structures in the vicinity
- 3 Socio - economic aspects
 - a A detailed CER plan along with activities wise break up of financial commitment shall be prepared in terms of the provisions OM No. 22-65/2017-IA.III dated 30.09.2020. CER component shall be identified considering need based assessment study and Public Hearing issues. Sustainable income generating measures which can help in upliftment of affected section of society, which is consistent with the traditional skills of the people shall be identified.
 - b While formulating CER schemes it shall be ensured that an in-built monitoring mechanism for the schemes identified are in place and mechanism for conducting annual social audit from the nearest government institute of repute in the region shall be prepared. The project proponent shall also provide Action Plan for the status of implementation of the scheme from time to time and dovetail the same with any Govt. scheme(s). CER details done in the past should be clearly spelt out in case of expansion projects
 - c Resettlement and Rehabilitation (R&R) Plan need to be prepared with due consultation with Project Affected Families (PAFs). The provision of the R&R plan should be according to the National Resettlement and Rehabilitation Policy (NRRP-2007) as well as State Resettlement and Rehabilitation Policy. Detailed budgetary estimates are to be provided. Resettlements sites should be identified
 - d Public Health Delivery Plan including the provisions for drinking water facility for the local community
 - e Local Area Development Plan to be formulated in consultation with the Revenue Officials and Village Panchayats. Local skill development schemes should be given. Details of various activities to be undertaken along with its financial out lay should be provided
 - f Labour Management Plan for their Health and Safety
 - g Sanitation and Solid Waste Management Plan for domestic waste from colonies and labour camps etc
 - h Plan for Land Restoration and Landscaping of project sites.
- 4 Miscellaneous
 - a Energy Conservation Measures.
 - b Environmental safeguards during construction activities including Road Construction
 - c Ground Water Management Plan
 - d Water and Air Quality & Noise Management Plans to be implemented during construction and post-construction periods.

In the EMP, also include a sample CAD plan for a distributary outlet command. Such a plan is to show the alignment of irrigation and drainage channels. The components of the OFD works to be undertaken may be clearly mentioned along with a time schedule for their completion vis-à-vis the progress of irrigation development

GENERAL GUIDELINES:

- i. The EIA document shall be printed on both sides, as far as possible.
- ii. All documents should be properly indexed, page numbered.
- iii. Period/date of data collection should be clearly indicated.
- iv. Authenticated English translation of all material in Regional languages should be provided.
- v. The letter/application for EC should quote the MOEF&CC file No. and also attach a copy of the letter prescribing the TOR.

- vi. The copy of the letter received from the SEIAA on the TOR prescribed for the project should be attached as an annexure to the final EIA-EMP Report.
- vii. The final EIA-EMP report submitted to the SEIAA must incorporate the issues mentioned in TOR including action plan on the issues emerged during EPH. The index of the final EIA-EMP report, must indicate the specific chapter and page No. of the EIA-EMP Report where the specific TOR prescribed by SEIAA. Questionnaire related to the project (posted on MoEF&CC website) with all sections duly filled in shall also be submitted at the time of applying for EC.
- viii. Grant of ToR does not mean grant of EC.
- ix. The status of accreditation of the EIA consultant with NABET/QCI shall be specifically mentioned. The consultant shall certify that his accreditation is for the sector for which this EIA is prepared.
- x. On the front page of EIA/EMP reports, the name of the consultant/consultancy firm along with their complete details including their accreditation, if any shall be indicated. The consultant while submitting the EIA/EMP report shall give an undertaking to the effect that the prescribed ToRs (ToR proposed by the project proponent and additional ToR given by the MoEF&CC) have been complied with and the data submitted is factually correct (Refer MoEF&CC Office memorandum dated 4th August, 2009).
- xi. While submitting the EIA/EMP reports, the name of the experts associated with/involved in the preparation of these reports and the laboratories through which the samples have been got analysed should be stated in the report. It shall clearly be indicated whether these laboratories are approved under the Environment (Protection) Act, 1986 and the rules made there under (Please refer MoEF&CC Office Memorandum dated 4th August, 2009). The project leader of the EIA study shall also be mentioned.
- xii. All the ToR points as presented before the State Expert Appraisal Committee (SEAC) shall be covered.

Specific Terms of Reference:

- *The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC (if Credible Action was not initiated).*
- *The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority. The proponent also shall pay penalty amount to be levied by SELAA as per O.M. dt: 07.07.2021.*
- *Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.*
- *Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.*
- *The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.*
- *Funds shall be allocated for Corporate Environment Responsibility (CER) for various activities therein. The details of fund allocation and activities for CER shall be incorporated in the EIA/EMP report.*

- xiii. The above ToR should be considered for preparation of EIA Report in addition to all the relevant information as per the 'Generic Structure of EIA' given in Appendix III and IIIA in the EIA Notification, 2006 & its subsequent amendments.
- xiv. The consultants involved in preparation of EIA/EMP report after accreditation with Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other Organization(s)/ Laboratories including their status of approvals etc., vide Notification dt. 19.07.2013 of the MoEF&CC.
- xv. The project proponent shall submit the detailed final EIA/EMP prepared as per ToRs, to the SEIAA for considering the proposal for Environmental Clearance within 4 years, as per the O.M. No.J-11013/41/2006-IA-11(1) (P) dt. 08.10.2014 of the MoEF&CC, GoI.
- xvi. The project proponent should stop construction activity forthwith and shall also comply with the terms of the provisions of the S.O.No.804 (E) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018; and O.M. dt: 07.07.2021 issued by the MoEF&CC, GoI w.r.t. SOP for identification and handling of violation cases under EIA Notification., 2006.
- xvii. The prescribed ToRs would be valid for a period of (5) five years as per the O.M. No.IA3-22/10/2022-IA-III (E 177258) (P) dt. 08.06.2022 of the MoEF&CC, GoI for submission of the EIA/EMP Reports.

Additional TORs:

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT, Chennai

Sd/-
MEMBER SECRETARY
SEIAA, T.S.

Sd/-
MEMBER
SEIAA, T.S.

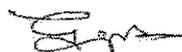
Sd/-
CHAIRMAN,
SEIAA, T.S.

To
Sri. B. Shankar, Engineer-in-Chief, (Irrigation),
Indiramma Flood Flow Canal Project from
Sri RamaSagar Project with expansion of
Gouravelly Reservoir,
LMD Colony, Karimnagar, Telangana- 505527
Ph.No: +91 90004 69450
Email:enc-krn-icad@telangana.gov.in

Copy to :

1. Prof. Ch. Krishna Reddy, Chairman, SEAC, T.S. for kind information.
2. The Member Secretary, TSPCB for kind information.
3. The EE, RO: SRD-II, TSPCB for information.
4. The IRO, MoEF&CC, GoI, Hyderabad for kind information.
5. The Director of Mines & Geology Dept., Hyderabad for kind information
6. The Secretary, MoEF&CC, GoI, New Delhi for kind information

//T.C.F.B.O//



JOINT CHIEF ENVIRONMENTAL ENGINEER

Lr. No. 1/TSPCB/EC/General/SDPT-37/2014 - 75

Dt.05.07.2023.

Sub: TSPCB - EC - Credible action on violation to be taken against Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District, under the provisions of E(P) Act, 1986 - Reg.

Ref: 1. SEAC Meeting minutes dt.03.01.2023.
2. SEIAA Meeting minutes dt.04.02.2023.
3. TORs dt: 15.02.2023
4. Lr.dt.02.06.2023 received on 26.06.2023 from the Special Chief Secretary (FAC) to Govt., ES&T Dept., communicating lr.dt. 03.03.2023 of SEIAA, Telangana.

It is to submit that EC application of Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District was reviewed in SEAC & SEIAA meetings vide reference 1st & 2nd cited and TORs were issued vide reference 3rd cited (Copies enclosed).

In the reference 4th cited, the Special Chief Secretary (FAC) to Govt., ES&T Dept., GoTS has communicated lr. dt. 03.03.2023 received from the SEIAA, Telangana w.r.t. construction of Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District for taking necessary action, as the construction operations were started without obtaining prior Environmental Clearance. It is also observed from lr.dt.03.03.2023 of the SEIAA, Telangana, as per the TORs were issued it was requested to take action by the State Government against the project proponent under the provisions of Section 19 of the Environment (Protection) Act, 1986 for violation of EIA Notification, 2006. Hence, it was requested to take necessary action. A copy of the letter received from EFS&T Dept., is enclosed.

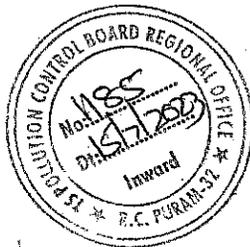
In view of the above, the EE, RO, Sangareddy - II is hereby directed to ensure immediate stoppage of construction work. Further, it is directed to enquire and take necessary action on violation of EIA Notification, 2006 against the proponent (**Indiramma Flood Flow Canal Project from Sri Ramasagar Project**) under the provisions of Section 19, Environment (Protection) Act, 1986.

Encl: As above.

Sd/-
MEMBER SECRETARY

To

The Environmental Engineer,
Regional Office, Sangareddy-II.



//T.C.F.B.O.//

JOINT CHIEF ENVIRONMENTAL ENGINEER

AEs
Pl put up
12/18/17

TELANGANA STATE POLLUTION CONTROL BOARDREGIONAL OFFICE: R.C. PURAM

KUMAR PATHAK,
ENVIRONMENTAL ENGINEER

H. No. 25-35/11, 2nd Floor
Tulasi Reddy complex
Near Mandal Office, R.C. Puram
Sangareddy District -500050

Lr.No.3001/PCB/RO/RCP/Legal/EC/2023 - 328

Date: 12.09.2023

To

Sri. M. Govardhan, B.A.LLB,
Advocate,
3-58/1, 1st Floor,
Near BHEL Bus Depot 'X' Roads,
R.C. Puram, Sangareddy District.

Sir,

Sub: TSPCB, RO, RCP – Credible action on violation to be taken against Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District under the provisions of E (P) Act 1986 – Filing of case – Reg.

Ref: 1. TSPCB, B.O. Procds No. 13/101/TSPCB/Legal/Gen/2000-678, Dt 30.10.2017.

2. TSPCB, B.O. Lr. No. 1/TSPCB/EC/General/SDPT-37/2014-75, Dt 05.07.2023.

Regional Office, R.C. Puram

The T.S. Pollution Control Board vide reference 1st cited, permitted this office to avail the services of Sri M. Govardhan, Advocate, 3-58/1, 1st Floor, Near BHEL Bus Depot 'X' Roads, R.C Puram, Sangareddy District.

It is to submit that, the Member Secretary, State Level Environment Impact Assessment Authority (SEIAA), Hyderabad, Telangana has received a proposal from Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District. The Project was examined by the State Level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 03.01.2023 and by the SEIAA in its meeting held on 04.02.2023. It was observed that this is a case violation of EIA Notification, 2006 & its amendments notified under the Environment Protection Act, 1986, as the construction operations were started without obtaining prior Environmental Clearance. The Member Secretary, SEIAA, Telangana vide Lr. Dt. 03.03.2023, requested the Government to initiate credible action on the violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking legal action under Section 15 of the Act for the period from which the violation has taken place.

The Special Chief Secretary to Government (FAC), EFS&T Department, Government of Telangana vide Lr. Dated. 02.06.2023 requested the Member Secretary, TSPCB, Hyderabad to examine and to initiate action on the violation against the construction operations of Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District for violation of

provisions of the Environmental (Protection) Act, 1986/EIA Notification, 2006 by filing a case before concerned the First Class Judicial Magistrate court by invoking the powers under section 19 of the Act, and furnish the action taken report together with relevant documents to Government immediately in the matter.

The Board vide reference 2nd cited directed the undersigned to take necessary action on violation of EIA Notification, 2006 against the Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District under the provisions of section 19, Environment (Protection) Act, 1986.

In this regard, it is requested to file case before First Class Judicial Magistrate court against the Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District. The details of the case along with necessary documents are here with enclosed for kind information. The consultation fee will be paid as per the State Government Rules.

Yours faithfully,



ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C. Puram
Sangareddy Dt. 502 032.

Copy submitted to the Member Secretary, Board Office, Hyderabad for kind information.

Copy submitted to the JCEE, Zonal Office, R. C. Puram for kind information.

L-11011/11/2021-IA-I(RV)
Government of India
Ministry of Environment, Forest & Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan,
2nd Floor, Vayu wing,
Jor Bagh Road,
New Delhi-110003
Tele: 011-20819283
E-mail: saurabh.upadhyay85@gov.in
Date: 14th September, 2023

To,

Deputy Director General of Forests (C)
Integrated Regional Office Hyderabad,
3rd Floor, Room No. 309,
Aranya Bhawan, Opp. RBI, Safiabab - 500004
District Hyderabad (Telangana)
E-mail: iro.hyderabad-mefcc@gov.in

Sub: Original Application No. 56 of 2023 in the matter of Baddam Bhaskar Reddy and Ors. vs Union of India & others tagged with Miscellaneous Application No. 4 of 2023 in Original Application No. 180 of 2021 in the matter of Baddam Raji Reddy and Ors. vs Union of India & others before the Hon'ble National Green Tribunal (SZ), Chennai-reg.

Sir,

This is with reference to the above- mentioned subject matter, wherein a Miscellaneous Application no. 4 of 2023 in OA No. 180 of 2021 was filed by the applicant in the instant matter stating:

"5. Despite the Judgement passed by this Hon'ble Tribunal, the project proponent is continuing the illegal construction and expansion of the project without valid Environment Clearance. The project proponent has been using police force to forcefully remove the project affected persons from the affected area and fill the reservoir. That the project proponent is illegally executing the Project defying the judgement dated 10.02.2022 passed by this Hon'ble Tribunal in O.A. No. 180 of 2021..."

2. The matter was heard by the Hon'ble Tribunal on 24.07.2023 (copy enclosed) wherein it has been observed that the Project Proponent had already completed the protection and finishing works for 85% of the completed work and the Project proponent has confirmed in its affidavit that in spite of an order of injunction granted by this Tribunal, they have carried on the work.

3. It is, therefore, requested to have a site inspection conducted and to provide a detailed report to ascertain if EIA Notification, 2006 continues to be violated even after restraining orders of Hon'ble NGT and directions passed by SEIAA Telangana while issuing

TOR under violation Category. The above information may be provided latest by 20.09.2023 so as to enable the Ministry to file a compliance report in the matter. The matter is listed for hearing on **5.10.2023**.

This issues with the approval of the competent authority.

Yours faithfully,



(Dr Saurabh Upadhyay)
Scientist C

Enclosed: as above

MOST IMMEDIATE
NGT MATTER**L-11011/11/2021-IA-I (RV)**
Government of India
Ministry of Environment Forest & Climate Change
(Impact Assessment Division)

2nd Floor, Vayu Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003
Tele: 011-20819283
E-mail: saurabh.upadhyay85@gov.in

Date: 14th September, 2023

To

The Member Secretary
Telangana State Pollution Control Board
A-3, Paryavaran Bhavan, Sanath Nagar Rd,
Sanath Nagar Industrial Estate, Sanath Nagar
Hyderabad, Telangana 500018
Tel. No. - 040 2388 7500
Email: ms-tspcb@telangana.gov.in

Sub: Original Application No. 180 of 2021 in the matter of Baddam Raji Reddy and Ors. vs. Union of India & others before the Hon'ble National Green Tribunal (SZ), Chennai-reg.

Sir,

With reference to the subject mentioned above, it is to inform that vide final order dated 10.02.2022 (copy enclosed) the Hon'ble NGT (SZ) has directed that *...the State of Telangana is restrained from proceeding with the project further till the proceedings initiated by the Ministry of Environment, Forests and Climate Change (MoEF& CC) is completed.*

2. Earlier, a Joint Committee was constituted by the Hon'ble Tribunal, comprising of a Senior Officer from MoEF&CC, Regional Office, Hyderabad along with other expert members of other government offices/ departments, to ascertain the issues raised in the instant matter. The Joint Committee conducted the site visit and based on the observations, a report was filed on 29.09.2021 stating certain non-compliances. Thereafter, the MoEF&CC also issued a show cause notice on 07.01.2022 to the project proponent on account of changing the scope of the project without prior environmental clearance and non-compliance of environmental conditions.

3. On 15.02.2023, the SEIAA, Telangana issued Terms of Reference (ToR) to the Project Proponent (copy enclosed) wherein under 'Specific Terms of Reference' it is stated that -

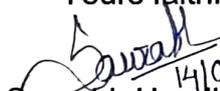
Point no. xii (i): *"The State Government/State Pollution Control Board has to take action against the project proponent under the provisions of section 19 of Environment (Protection) Act, 1986 and further no consent to operate to be issued till the project is granted EC(if Credible action was not initiated).*

4. Under Point no xvi of the TOR latter it is also stated that: *"The project proponent should stop construction activity forthwith and shall also comply with the terms of provisions of the S.O. No. 804 (E) dt. 14.03.2017; S.O.1030 (E), dt. 08.03.2018; and O.M. dt. 07.07.2021 issued by the MoEF&CC, Gol w.r.t. SOP for identification and handling of violation cases under EIA Notification, 2006."*

5. The project proponent has been directed by the Hon'ble Tribunal as well as by SEIAA, Telangana not to start the construction work at the proposed site till the project is granted Environmental Clearance under the provisions of the EIA Notification, 2006, as amended. In view of the above, it is requested to confirm if credible action has been taken against the Project Proponent as per the directions of the SEIAA, Telangana vide ToR Letter dated 15.02.2023.

6. The desired information may please be provided on **TOP PRIORITY** so as to enable the Ministry to take further necessary action to ensure the compliance of directions of Hon'ble NGT (SZ) in the matter.

Yours faithfully,


14/09/2023
Dr Saurabh Upadhyay
Scientist C

Encl. as above

Copy to:

- Irrigation & GAD Department, Telangana, Rep. by its Principle Secretary, J-Block, 6th Floor, Room No: 623 Secretariat Road, Opp. BRKR Building, Hyderabad, Telangana 500022 Mail: enc_major@yahoo.co.in Phone: 040-23452620/ AD(YPS)/ Guard file



F. No: EP(A)/IRO-HYD/NGT(SZ)/ENV/089/2021 / 696

Dated: 26.09.2023

Dr. Saurabh Upadhyay
Scientist 'C'
IA Division (Hyder-Thermal)
2nd Floor, Vayu Wing
Ministry of Environment, Forest and Climate Change
New Delhi

Sub: Original Application No. 56 of 2023 in the matter of Baddam Bhaskar Reddy and Ors. Vs Union of India and others tagged with Miscellaneous Application No. 4 of 2023 in Original Application No. 180 of 2021 in the matter of Baddam Raji Reddy and Ors. Vs Union of India and others before the Hon'ble National Green Tribunal (SZ), Chennai - reg.

Dear Dr. Saurabh Upadhyay ji,

The undersigned is directed to refer to MoEFCC letter No. L-11011/11/2021-IA-I (RV) (Computer No. 165806) dated 14.09.2023 on the above subject and inform that the undersigned has conducted a filed visit to Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly Reservoir from 1,410 TMC to 8.33 TMC, at Gouravelly Village, Akkanmapet Mandal, Siddipet District, on 21.09.2023.

The detailed inspection report is enclosed along with Annexures 1 -13 for your kind perusal and necessary action.

Yours faithfully,

(Tarun Kathula)

Director/Scientist 'F'

Email: tk.kathula@gov.in

Tel: 040-29390051

Encl: As above.

Copy to:

1. ROHQ, MoEFCC, New Delhi



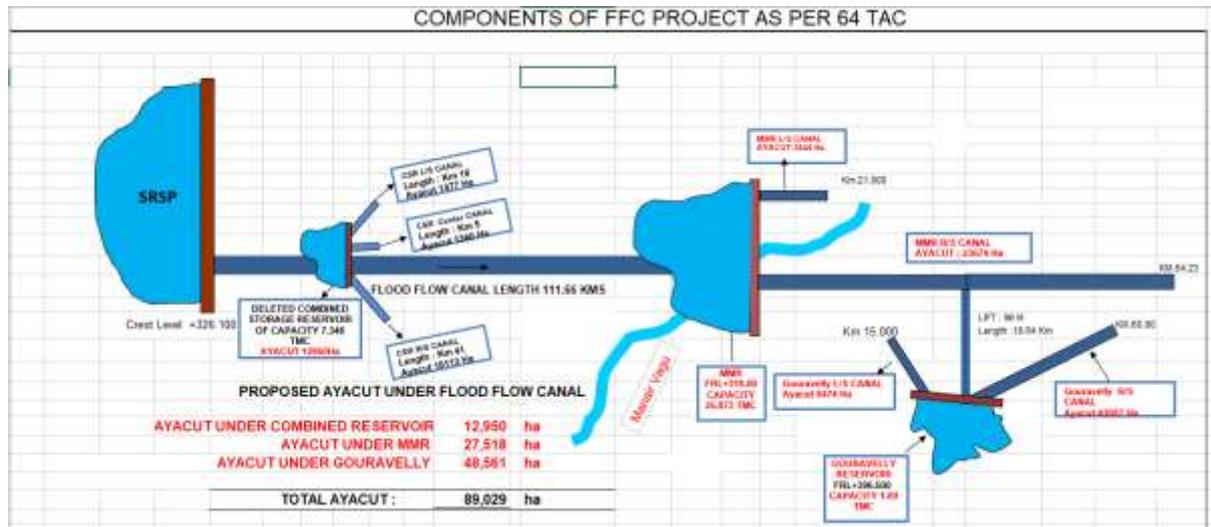
DETAILED REPORT OF SITE INSPECTOIN CONDUCTED IN VIEW OF HON'BLE NGT (SZ) O.A No. 56 OF 2023 IN THE MATTER OF BADDAM BHASKER REDDY AND ORS. VS UNION OF INDIA & OTHERS TAGGED WITH MISCELLANEOUS APPLICATION NO. 4 OF 2023 IN O.A NO. 180 OF 2021 IN THE MATTER OF BADDAM RAJI REDDY AND ORS VS UNION OF INDIA & OTHERS

The Ministry of Environment, Forest and Climate Change (MoEFCC) has directed its Sub-Office of MoEFCC at Hyderabad to conduct site inspection of Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly Reservoir from 1,410 TMC to 8.33 TMC, at Gouravelly Village, Akkanmapet Mandal, Siddipet District and provide a detailed report to ascertain if EIA Notification, 2006 continues to be violated even after restraining orders of Hon'ble National Green Tribunal (NGT) and directions passed by SEIAA Telangana while issuing Terms of Reference (ToR) under violation Category, in order to file a compliance report in the matter before the next hearing of 05.10.2023.

2. In view of above, Sh. Tarun Kathula, Director/Scientist 'F', Sub-Office, MoEFCC, Hyderabad has conducted a field visit on 21.09.2023 to the project site, Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly Reservoir from 1,410 TMC to 8.33 TMC, at Gouravelly Village, Akkanmapet Mandal, Siddipet District.

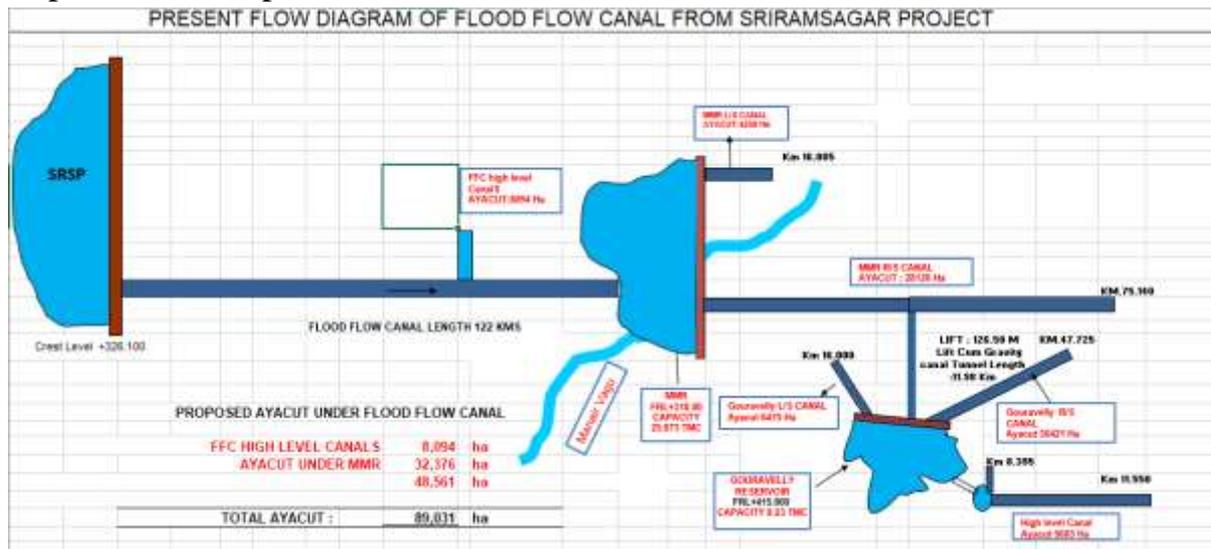
3. Government of Telangana has proposed Indiramma Flood Flow Canal from Sri Rama Sagar Project (SRSP) with expansion of Gouravelly reservoir to house excess flood water. In the original proposal of the undivided Andhra Pradesh, the Flood Flow Canal (FFC) project was cleared in 1996 in 64th Technical Advisory Committee of Central Water Commission to facilitate irrigation to an area of 2.2 lakh acres by diverting about 20 TMC of surplus flood water for SRSP which comprising: (i) Combined Storage Reservoir – I across Peddavagu II and Korutlavaagu near Konaraopet village, Karimnagar District with a storage capacity of 7.346 TMC to irrigate an ayacut of 32,000 acres, (ii) Mid Manair Reservoir with a storage capacity of capacity of 25.873 TMC to irrigate an ayacut of 68,000 acres and (iii) Gouravelly Reservoir with a storage capacity of 1.095 TMC to irrigate 1,20,000 acres was proposed. The total storage of three reservoirs is 32.314 TMC and the approved water

utilization is 21.332 TMC of water. Accordingly, the project proponent (Undivided Andhra Pradesh) has obtained environment clearance dated 14.05.2003 (**Annexure – I**).



Original Plan of FFC

4. However, due to protest by local people against the Combined Storage Reservoir – I across Peddavagu II and Korutlavaagu near Konaraopet village, Karimnagar District with a storage capacity of 7.346 TMC to irrigate an ayacut of 32,000 acres, the Government of Telangana has proposed to increase the Gouravelly Reservoir from 1.410 TMC to 8.23 TMC. However, PP has not obtained EC and has completed majority of the construction work of the project as per the below plan.



Re-engineered plan with enhanced storage of Gouravelly reservoir

5. In this context, the submerging villagers of Gouravelly reservoir has filed the case OA No. 180 of 2021 before Hon'ble NGT (SZ), Chennai on the re-engineered proposed without obtaining environmental clearance from Ministry of Environment, Forest and Climate Change. Upon hearing the matter, Hon'ble NGT (SZ) has constituted a Joint Committee on 13.08.2021 and the committee has visited the site on 23.09.2021 and filed its report on 29.09.2021. The Joint Committee has clearly reported that the scope of the project has been changed without approval of MoEFCC and the committee has proposed an Environmental Compensation of Rs. 2,05 crores for the said violation. The copy of the Joint Committee report is at **Annexure-2**.

6. Upon examination of the Joint Committee report and information filed by other, the Hon'ble NGT has disposed the case on 10.02.2022 (**Judgement is at Annexure 3**) with the following operative part to MoEFCC:

“...3. Since the Ministry of Environment, Forests and Climate Change (MoEF& CC) has come to the conclusion on the basis of the material collected by them that the present project requires a further environmental clearance, the State of Telangana is restrained from proceeding with the project further till the proceedings initiated by the Ministry of Environment, Forests and Climate Change (MoEF& CC) is completed.

4. If the project proponent makes an application for including the change of scope and applies for Environmental Clearance (EC) the same should not be granted by way of an amendment to an existing EC and the entire process will have to be reassessed afresh

5. Ministry of Environment, Forests and Climate Change (MoEF&CC) is also at liberty to conduct a further enquiry regarding the nature of damage caused and also the cost required for restoration of damage caused to the environment and reassessment of the compensation to be recovered from the State of Telangana.

6. The Ministry of Environment, Forests and Climate Change (MoEF&CC) is directed to complete the process of the enquiry as early as possible at any rate within a period of four months and submit the

further action taken report before this Tribunal after the expiry of four months has to be fixed by this Tribunal...

7. In this regard, MoEFCC in compliance of the final order passed by this Hon'ble Tribunal dated 10.02.2022 has filed its action taken report (**Annexure-4**) on 18.05.2023 with the following actions:

- i. The matter was taken before the EAC and the Ministry examined the response submitted by the Irrigation & CAD Department, Government of Telangana for issuing Show-Cause notice in consultation with EAC (River Valley and Hydro-electric) and they were also called for personal hearing before EAC.
- ii. The EAC meeting took place on 15th June, 2022 wherein after detailed deliberation it was observed by the EAC that "based on fact submitted by the project proponent and report of the Joint Committee, it has been confirmed that the project involves violation and the project will be appraised by the EAC as per the Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA notification, 2006 mentioned in OM dated 7.07.2021. The EAC therefore, suggested the project proponent to submit the proposal a fresh at PARIVESH portal for terms of reference (ToR) under violation category."
- iii. Since notification S.O. No. 1886 (E) dated 20.04.2022, states that irrigation projects, mentioned at Item no. I (c) of the Schedule to the EIA Notification, 2006, as amended, irrespective of its command area, are Category 'B' project and shall be appraised by State Environment Impact Assessment Authority (SEIAA), except for irrigation projects involving inter-state issues. Accordingly, the Engineer In-Chief, Indiramma Flood Flow Canal Project from Sri Rama Sagar Project with expansion of Gouravelli Reservoir, Irrigation & CAD Department of State of Telangana has submitted the proposal (No. SIA/TG/RIV/40936512022) on 06.12.2022 titled as "expansion of Gouravelli reservoir, from 1.410 TMC to 8.23 TMC" before the State Environment Impact Assessment Authority (SEIAA) in compliance of the aforesaid order seeking Terms of Reference (ToR) for conducting EIA study under the provisions of EIA Notification, 2006, as amended in violation category. The State Expert Appraisal Committee (SEAC) i.e., the technical body of the SEIAA,

Telangana has considered the proposal in its 210th meeting held on 03.01.2023 and inter-alia recommended that:

".... The SEAC confirmed the project as a case of violation of the EIA Notification, 2006 and the project has to be considered in the terms of the provisions of the S.O. No. 804 (E) dated 14.03.2017, S.O.1030 (E), dated.08.03.2018, and O.M. dated 07.07.2021 & O.M. dated 28.01.2022 issued by the MoEF&CC. GoI with respect to SOP for identification and handling of violation cases under EIA Notification, 2006.

After detailed discussions, the proponent is directed to prepare EIA report, as per the Standard Terms of Reference (TORs) issued by the MoEF&CC. GoI for " 1 (c) river valley projects" and following Additional Terms of Reference along with the Specific Terms of Reference with respect to violation as per S.O. No 804 (E) dt.14.03.2017 & s.o.1030 (E). dt. 08.03.2018 and OM dt. 07.07.2021 & 28.01.2022 undergo the process of Public Hearings (District wise) in consultation with TSPCB and submit final EIA report along with minutes of Public Hearings and response of the proponent to the issues emerged in the Public Hearings to the SEAC for appraisal.

The Additional Terms of Reference given are:

- Capacity table (1 metre interval) with graphical representation.
- Details of submergence
- Details of development of greenbelt as per the Report of the Joint Committee constituted by the Hon'ble NGT. Chennai.
- Compliance of Order dt.10.02.2022 in OA No. 180 of 2021 of the Hon'ble NGT, Chennai.

- iv. Thereafter, accepting the recommendations of the SEAC, the State Level Environment Impact Assessment Authority (SEIAA) has accorded Standard ToR along with Public hearing and following specific and additional ToR to the project on 15.02.2023 (**Annexure – 5**) in its meeting held on 04.02.2023 which inter alia includes the following:

- The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC (if Credible Action was not initiated).
- The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP followed by recommendations of the SEAC and approval of the regulatory authority. The proponent also shall pay penalty amount to be levied by SEIAA as per O.M. dated 07.07.2021.
- Assessment of ecological damage with respect to air, water land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
- Preparation of EMP comprising remediation plan and natural and community resource augmentation plans or responding to the ecological damage assessed and economic benefits derived due to violation.
- The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the ELA report by the accredited consultants.
- Funds shall be allocated for Corporate Environment Responsibility (CER) for various activities therein. The details of fund allocation and activities for CER shall be incorporated in the ELA/EMP report.
- Capacity table (1 meter interval) with graphical representation.
- Details of submergence
- Details of development of greenbelt as per the Report of the Joint Committee constituted by the Hon'ble NGT. Chennai.

- Compliance of Order dated 10.02.2022 in O.A. No. 180 of 2021 (SZ) of the Hon'ble NGT, Chennai.
- v. Apart from the above, SEIAA has directed the project proponent to stop construction activity forthwith and to comply with the terms of provisions of the Gazette Notification S.O. No. 804 (E) dated 14.03.2017; S.O.1030 (E), dated 08.03.2018; and Office Memorandum dated 07.07.2021 issued by the MoEF&CC with respect to the Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006.

8. In this background, the Original Application No. 56 of 2023 (SZ) & I.A. No.58 of 2023 (SZ) with Miscellaneous Application No.04 of 2023 (SZ) in Original Application No. 180 of 2021 (SZ) was heard by Hon'ble NGT on 04.05.2023, 25.05.2023, 17.07.2023 and 28.08.2023 and found Hon'ble NGT order in O.A. No.180 of 2021 (SZ) judgement dated 10.02.2022 (**Annexure 3**) was not obeyed by the Project Proponent and is carrying the work without obtaining fresh EC for change of scope in the project. In this regard, Hon'ble NGT has directed Member Secretary – Godavari River Management Board (GRMB) and also the Additional Chief Secretary – Irrigation & CAD Department, State of Telangana to look into the issue and take appropriate action and report the same by way of filing the report of status before Hon'ble NGT.

9. Accordingly, GRMB has visited the site on 01.08.2023 and the report of the GRMB is at **Annexure – 6**. The Member Secretary of GRMB in the report mentioned as below:

“ ...It is appropriate to indicate that due to total halting of execution of works at the fag end of completion of the project, the benefits which could be harvested early by the farmers have been delaying the improvement of ecosystem of command area are also getting delayed. Further GRMB Officials observed that there has been considerable damage to the unfinished surface of the embarkment by forming gallies at many locations which is also a matter of serious concerns for the stability of the embarkment. The project authorities may have to take immediate necessary action by getting due approvals from Hon'ble NGT in the form

of some basic procedures and maintains of works to protect the structure from further damage to avoid creation of any weak zone in the structure. Further, keeping any hydro mechanical equipment ideal for long period will also cause damage to those equipment and need frequent operation.

10. Further, PP informed that GRMB officials has visited the project site second time on 14.09.2023 and has surveyed for installation of cameras. However, PP informed that installation of cameras was not yet completed due to due to heavy rains.

11. Special Chief Secretary, Irrigation and CAD Department, Government of Telangana has also submitted a detailed reply to Hon'ble NGT on 24.07.2023 and the same is at **Annexure 7**. In the report, it stated that 85% of the work is completed by January 2020 i.e., before the filing of OA. 180 of 2021 case in the Hon'ble NGT, Chennai and 90% of the work was completed by the time the Hon'ble NGT has disposed the OA. 180 of 2021 case on 10.02.2022.

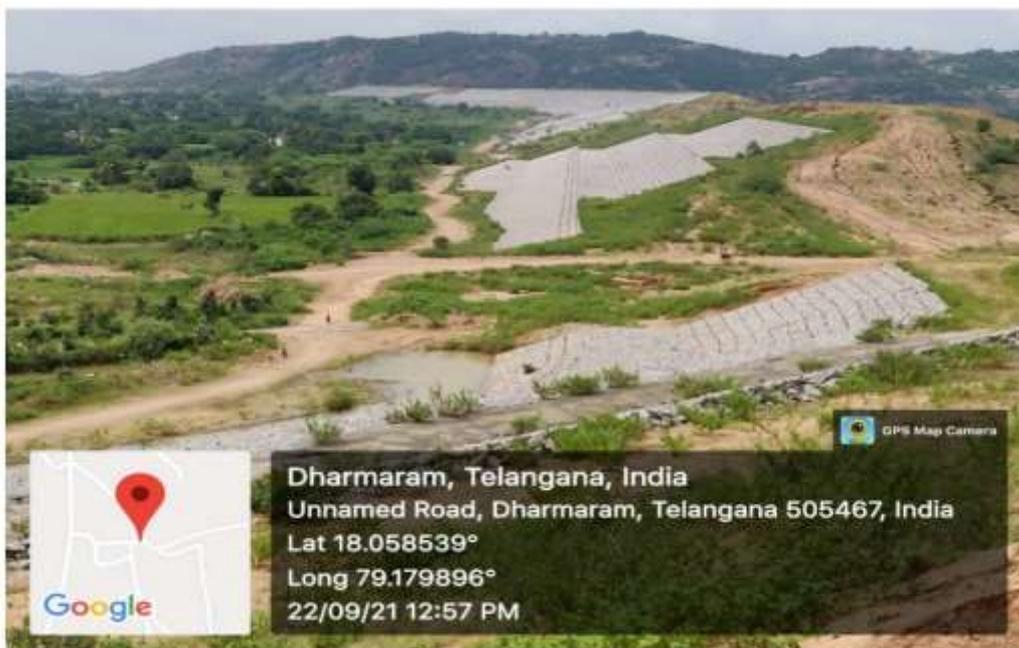
12. The Special Chief Secretary, ES&T Department vide letter dated 02.05.2023 has directed Member Secretary, TSPCB to initiate credible action on the violation by Project Proponent of Indiramma Flood Flow Canal Project by invoking powers of 19 of the Environment (Protection) Act, 1986 for taking legal action under Section 15 of the Act for the period from which the violation has taken place. The letter is at **Annexure – 8**. Accordingly, Member Secretary, TSPCB vide letter dated 05.07.2023 has directed the Environment Engineer, Regional Office, Sangareddy-II to ensure immediate stoppage of construction work and take necessary action on violation of EIA Notification, 2006 against the proponent (Indiramma Flood Flow Canal Project under the provisions of the Section 19, Environment (Protection) Act, 1986. The letter is at **Annexure 9**.

13. The Environmental Engineer, Regional Officer, TSPCB has requested the Ld Advocate vide letter dated 12.09.2023 to file case before First Class Judicial Magistrate Court against the Project Proponent. The letter is at **Annexure 10**. The Ld Advocate has filed the affidavit on 13.09.2023 in the court of the Hon'ble Judicial First-Class Magistrate at Husnabad, Siddipet District (**Annexure 11**).

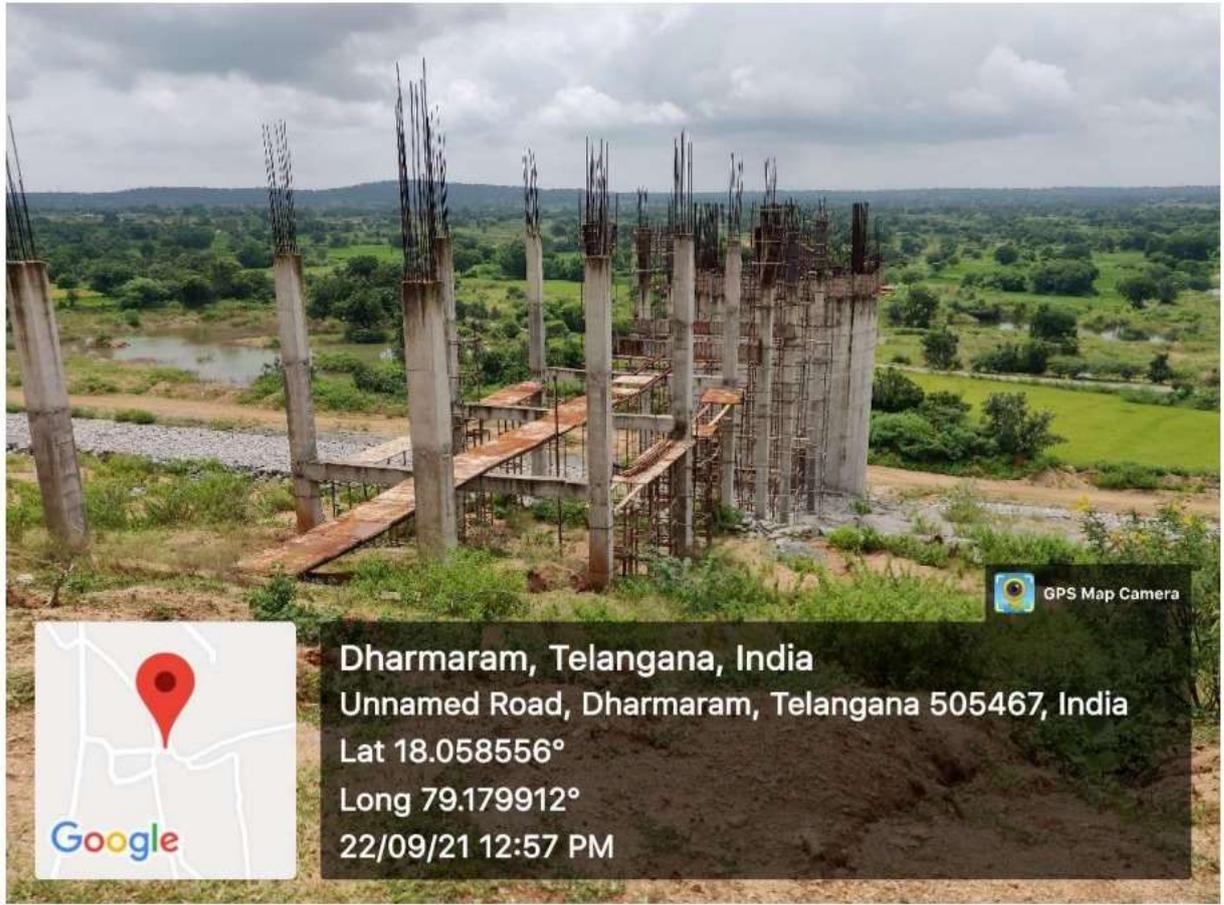
14. As per the letter No. B/473/2020 dated 06.04.2023 issued by Revenue Department, Telangana, land acquisition payments and R&R payments were made to the concerned at Gouravelli project situated at Gouravelli of Akkannapet Mandal, Siddipet District. A total amount of Rs. 398.crores are released for land acquisition (3870 acers) and house structures submergence (817) and Project displacement families (1122) and project affected families (49) in accordance with the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” which has come into effect since January, 2014. The copy of the proceedings are at **Annexure-12**.

15. The comparative photographs taken at Gouravelly Reservoir on the day of inspection (21.09.2023) with latest available Google Map (04.02.2023) and Photographs taken by Joint Committee Inspection at Gouravelly Reservoir are as below:

a. Photographs of Gouravelly Reservoir taken by Joint Committee on 23.09.2021 are as below:



Earthen embankment



Dharmaram, Telangana, India

Unnamed Road, Dharmaram, Telangana 505467, India

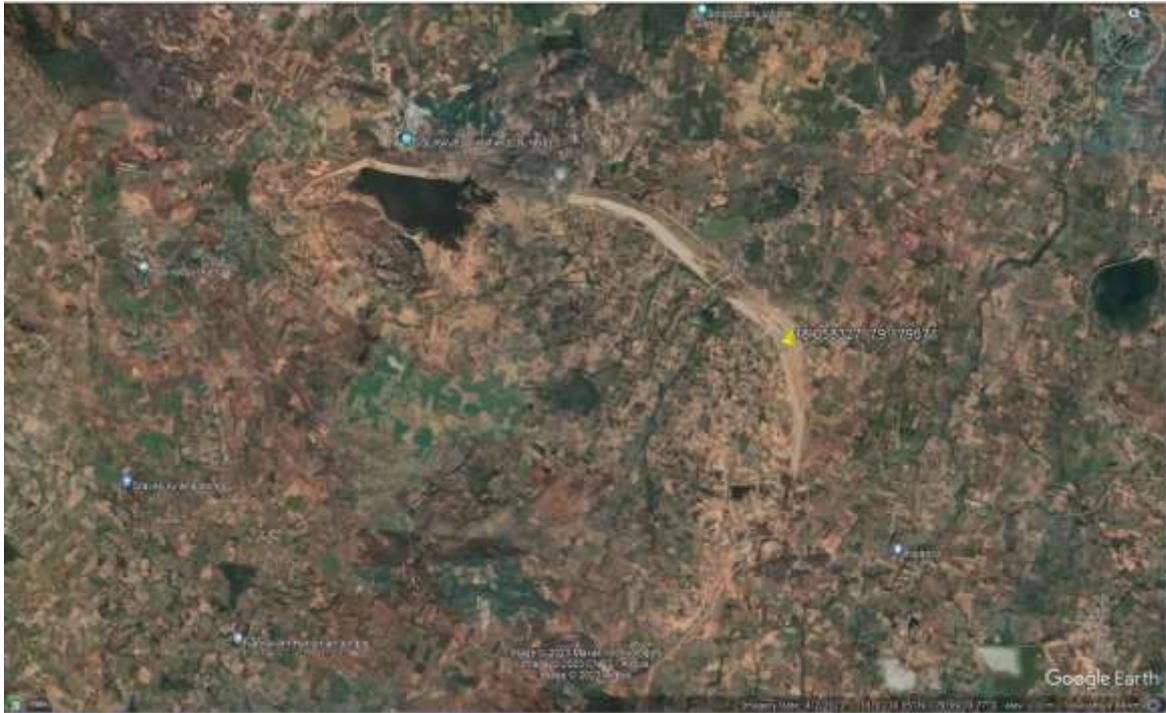
Lat 18.058556°

Long 79.179912°

22/09/21 12:57 PM

Off-taking structure for Left Side Canal of Gouravelli Reservoir

b. Photographs of Gouravelly Reservoir as on Google map dated 04.02.2023 are as below:



Google Map showing the Gouravelly Reservoir as on 04.02.2023



Google Map Showing construction area with few patches of instructed area as on 04.02.2023

c. Photographs of Gouravelly Reservoir taken by the representative of Sub-Office, Hyderabad on 21.09.2023 is as below:



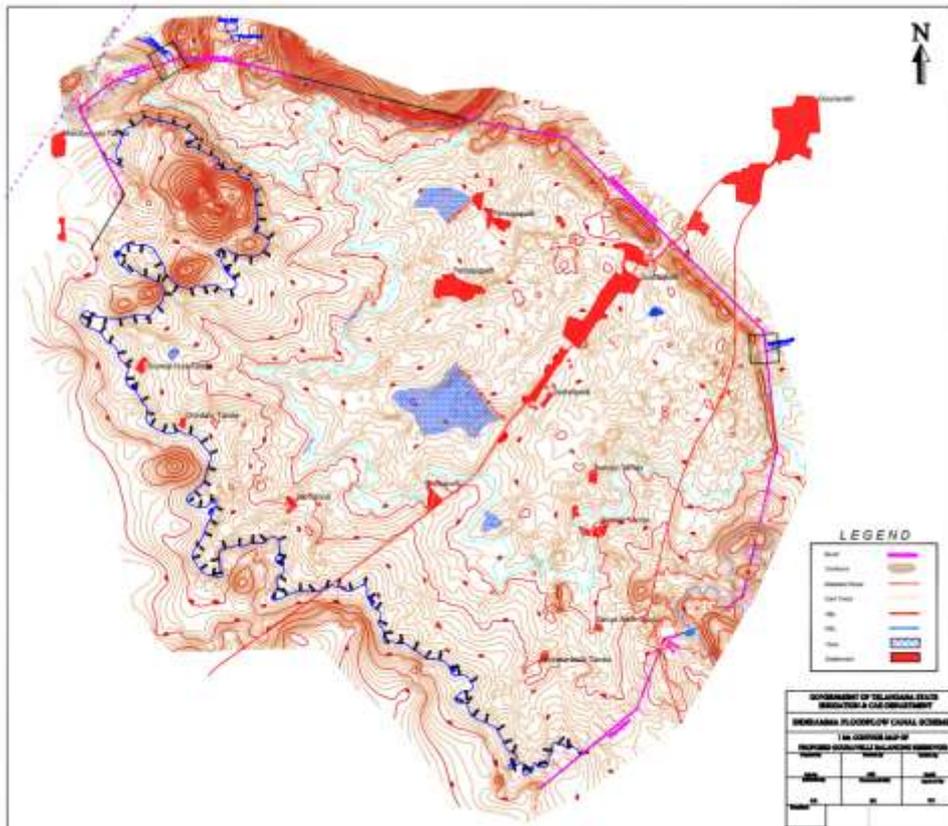
Eastern embankment of Gouravelly Reservoir completed construction



Western Side of Gouravelly Reservoir bank completed construction



Offtake structure for left side of the canal of Gouravelly Reservoir construction completed.



Corrected map of Gouravelly Reservoir as on date provided by PP.

16. The observations during site visit conducted by representative of MoEFCC on 21.09.2023 are as below:

- i. No construction work is witnessed at the project site on the day of visit and it was raining.
- ii. The water started accumulating in the reservoir due to runoff received from the catchment area of the reservoir resulting the raising of water levels.
- iii. As per the reports of Member Secretary, GRMB (as mentioned at **paragraph 9**) and Special Chief Secretary, Irrigation and CAD, Govt of Telangana (as indicated at **paragraph 11**) and based on the photographic evidence (**paragraph 15**), Project Proponent has made construction activity post Hon'ble NGT judgement dated 10.02.2023, wherein PP would have taken prior permission of Hon'ble NGT.
- iv. **In view of above, it is evident that the PP continues to violate the EIA Notification, 2006 even after restraining order of Hon'ble NGT dated 10.02.2022.**

17. Recommendations:

- i. PP may be directed to complete the Public Hearing at the earliest and may place the EIA/EMP before the EAC committee of MoEFCC, New Delhi as SEIAA /SEAC of Telangana got has expired in July 2023 and is yet to be reconstituted. Letter of TSPCB dated 13.09.2023 informing Sub-Office, Hyderabad regarding Public Hearing is at **Annexure – 13**.
- ii. Part of Environment Compensation amount may also be deposited in the bank accounts of Biodiversity Management Committees (BMCs) constituted in accordance with Biological Diversity Act, 2002 in the villages falling under Akkannapet Mandal of Siddipet District. The said amount may be utilised by the local communities for creating awareness on conservation of biodiversity and in preparation/updates of Peoples Biodiversity Registers.

15.11.02
 9/6/02
 P.R.17

Dated: 14.05.2003.

F. No. 13- 12011/26/2000-IA-1.

To,

The Secretary to Govt. of A.P.,
 Department of Irrigation & CAD (PW),
 A.P. Secretariat,
 Hyderabad -
 Andhra Pradesh

Subject - Flood Flow Canal project from Sri Rama Sagar project District Mahabubnagar,
 Andhra Pradesh - Environmental Clearance - regarding.

Sir,

This has reference to your letter No. 30788/SRSP-1(1)/2002-1, dated 28.9.2002, and subsequent letter department of Irrigation & CAD letter No. CE/SRSP-II&FFC/Wg/ITS/AEE/FFC/2962 & 2979 dated 18.11.02, 26.11.2002, 21.12.2002 & 07.01.2003 on the subject.

2. The above referred proposal was considered by the Expert Committee for River Valley & Hydroelectric projects at its meeting held on 29.11.2002 & reconsidered on 16.01.2003. The proposed Flood Flow Canal project from Sri Rama Sagar project will provide irrigation facilities to the upland drought prone areas of Karimnagar, Warangal and Nalgonda Districts of Andhra Pradesh to an extent of 89,029 ha. An area of 40,468 ha. will be irrigated by gravity flow and the rest 48,561 ha. by lift irrigation to utilise 339 Mcum of surplus water from the foreshore of Sri Ram Sagar Project Reservoir. No forest land is involved. In all 17,056 persons will be affected due to this project. The estimated cost of project is Rs 1331.30 crores, at 1992-93 price level.
3. The Ministry of Environment and Forests hereby accords environmental clearance as per the provision of Environmental Impact Assessment notification, 1994, subject to the strict compliance of the terms and conditions mentioned below -

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स, लोदी रोड, नई दिल्ली-110003
 PARYAVARAN BHAVAN, C.G.O. COMPLEX, LODHI ROAD, NEW DELHI-110003

- 6 -

6/15

Part - A: Specific conditions

1. Catchment area treatment plan as proposed should be completed in five year. The plan is reproduced below -

Sl. No.	Type of treatment	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	Total
MID MANAIR RESERVOIR							
Biotic treatment measures (Area in Sq. km.)							
	Social forestry, Agree-forestry, Silviculture	75.00	100.00	100.00	100.00	73.13	448.13
	Afforestation and Re-vegetation	10.00	20.00	20.00	20.00	24.38	94.38
	Soil and moisture Conservation measures with vegetation barriers and horticulture	300.00	375.00	375.00	375.00	279.00	1704.00
	Soil and moisture Conservation measures with Agro-horticulture / Agro-forestry	4.00	7.00	7.00	7.00	3.75	28.75
	Overseeding of grasses	1.00	1.00	1.00	1.00	1.00	5.00
Engineering / Gully control works (In No.)							
	Gully Plugs	30	30	30	30	30	150
	Rock fill dam	15	15	15	15	15	75
	Check dams	-	-	-	-	-	-
GOURAVELLI RESERVOIR							
Biotic treatment measures (Area in Sq. km.)							
	Social forestry, Agree-forestry, Silviculture	2.000	2.500	2.500	2.500	1.425	10.925
	Afforestation and Re-vegetation	-	-	-	-	-	-
	Soil and moisture Conservation measures with vegetation barriers and horticulture	0.600	0.700	0.700	0.700	0.675	3.375
	Soil and moisture Conservation measures with Agro-horticulture / Agro-forestry	-	-	-	-	-	-
	Overseeding of grasses	0.030	0.050	0.050	0.050	0.045	0.225
Engineering / Gully control works (In No.)							
	Gully Plugs	1	2	2	1	1	6
	Rock fill dam	-	1	1	1	-	3
	Check dams	-	-	-	-	-	-

- 7 -

In all 17,056 persons will be affected due to this project. The affected persons should be rehabilitated as per the Government of Andhra Pradesh policy & report submitted to this Ministry.

Part -B. General conditions.

- i) Provision of supplying kerosene or cooking gas / Pressure Cooker to the labourers should be kept instead of supplying fuel wood.
 - ii) Fuel depot may be opened at the site to provide the fuel (kerosene/wood /LPG). Medical facilities as well as recreational facilities should also be provided to the labourers.
 - iii) All the labourers to be engaged for construction works should be thoroughly examined by health personnel and adequately treated before issuing them work permit.
 - iv) Restoration of construction area including dumping site of excavated materials in the project area should be ensured by levelling, filling up of burrow pits, landscaping etc. The area should be properly afforested with suitable plantation.
 - v) A multidisciplinary committee should be constituted with representatives from the disciplines of forestry, ecology, wildlife, soil conservation, NGO etc. to oversee the effective implementation of the suggested safeguard measures.
 - vi) Financial provision should be made in the total budget of the project for implementation of the above suggested safeguard measures.
-
- vii) Six monthly monitoring reports should be submitted to the Ministry and its Regional Office, Bangalore for review.
4. Officials from Regional Office MOEF, Bangalore who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection.
 5. The responsibility of implementation of environmental safeguards rests fully with the Irrigation Department, Govt. of Andhra Pradesh.
 6. In case of change in the scope of the project, project would require a fresh appraisal.
 7. The Ministry reserves the right to add additional safeguard measures subsequently if found , necessary and to take action including revoking of the clearance under the provisions of the environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time- bound and satisfactory manner.

8. This clearance letter is valid for a period of five years from the date of issue of this letter for commencement of construction work.
9. A copy of the clearance letter will be marked to concerned Panchayat /local NGO, if any, from whom any suggestion/representation has been received while processing the proposal.
10. State Pollution Control Board / Committee should display a copy of the clearance letter at the regional office, district industries centre and collector's office / tehsildar's office for 30 days.
11. The project proponent should advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board/Committee and may also be seen at Website of the Ministry of Environment and Forests at <http://www.envfor.nic.in/>.

(S. Shiva Kumar)
Director (IA)

Copy to: -

1. The Secretary, Ministry of Water Resources, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001.
2. Secretary, Department of Ecology & Environment, Govt. of Andhra Pradesh, Secretariat, Hyderabad.
3. Secretary, Department of Irrigation, Govt. of Andhra Pradesh, Secretariat, Hyderabad.
4. The Advisor (I&CAD) Planning Commission, Yojana Bhawan, New Delhi - 110 001.
5. The Chief Engineer (PAD), Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi - 100062.
6. CCF, Regional Office, Ministry of Environment & Forests, Bangalore.
7. EI - Division, MOEF, New Delhi - 110001.
8. Guard file.

(S. Shiva Kumar)
Director (IA)

- 9 -

9/15

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास और
गंगा संरक्षण विभाग
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
5th 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 128th 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	Total
Mid Manair Reservoir							
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	-	-	-	-	-	-
Gouravelli Reservoir							
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:

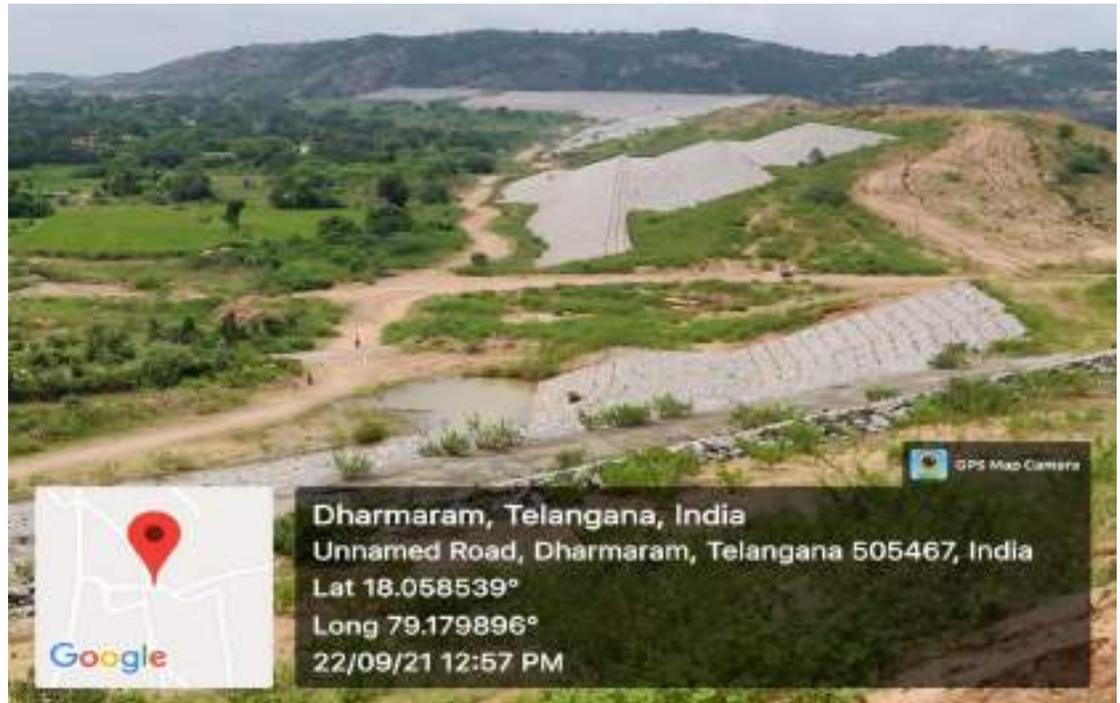
- A separate environment cell need to establish. Allocations budget and implementations of environment management protection measures to be maintained in separate account.
- Restoration of construction area including dumping sites of excavated materials shall be ensured by leveling, filing up of borrow 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

Item No.04:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI****Original Application No.180 of 2021 (SZ)****(Through Video Conference)****IN THE MATTER OF:**

1. BADDAM RAI REDDY,
S/o, MALLA REDDY,
2-30/1, Gudatpally Village,
R/o, Gouravelli,
Old District, KARIMNAGAR,
New District, SIDDIPET - 505 467.
2. BADDAM YELLA REDDY,
S/o, ADI REDDY,
1-39, Gudatpally Village,
R/o Gouravelli,
New District, SIDDIPET - 505 467.
3. GURRAM RAI REDDY,
S/o, YELLA REDDY,
2-47, Gudatpally Village,
R/o Gouravelli,
Old District: KARIMNAGAR,
New District, SIDDIPET - 505 467.
4. USKE SINGH REDDY TIRUMAL REDDY,
S/o, YELLA REDDY,
5-116, Gudatpally Village, R/o Gouravelli,
New District,
SIDDIPET: 505 467.
5. GURRAM RAJA REDDY,
S/o, MALLA REDDY,
2-34, Gudatpally Village,
R/o, Gouravelli,
Old District: KARIMNAGAR,
New District: SIDDIPET 505 467.

...Applicant(s)

Versus

1. Union of India,
Represented by its Secretary,
Union Ministry of Environment, Forest & climate Change,
Indira Paryavaran Bhavan,
Jorbagh,
New Delhi – 110 003.

2. Union of India,
Represented by its Secretary,
Union Ministry of Jal Sakti,
Sramasakti Bhavan,
New Delhi – 110 001.
3. Irrigation & CAD Department, Telangana,
Represented by its Principle Secretary,
J-Block, 6th Floor, Room No. 623,
Secretariate Road, Opposite BRKR Building,
Hyderabad,
Telangana – 500 022.
4. Central Water Commission (CWC),
Represented by its Chairman,
Sewabhavan, R.K. Puram,
New Delhi – 110 606.
5. Godavari River Management Board,
Represented by its Member Secretary,
Government of India, Ministry of Water Resources,
5th Floor, Jalasoudha, Errum Manzil,
Hyderabad,
Telangana – 500 082.
6. District Collector of Siddipet,
ICC Building, Kushal Nagar, Hyderabad Road,
Siddipet, Telangana – 502 103.
7. Engineer-in-Chief,
O/o, Engineer – in –Chief (A.W), I & CAD Department,
Jalasoudha Building, Errum Manzil, Jalasoudha,
First Floor, Hyderabad,
Telangana – 500 082.
8. Engineer – in –Chief (Projects), Irrigation,
LMD Colony, Kaunnagar,
Telangana - 505 527. ...Respondent(s)

Date of Judgment: 10.02.2022.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. Sravan Kumar

For Respondent(s): Mrs. M. Sumathi for R1

Mr. J. Ramachandra Rao, AAG, along with

Mr. A. Sanjeev Kumar Spl. Govt. Pleader and

Mrs. H. Yasmee Ali for R3, R6 to R8

Mr. D. Ramesh Kumar for R2, R4& R5

JUDGMENT

1. The grievance in this application is 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 TMCs to 8.230 TMCs under Re-engineering of Indiramma Flood Flow Canal project in Siddipet District of Telangana State without obtaining Environmental Clearance (EC) and in violations of the conditions already imposed.
2. According to the applicant, this project requires prior Environmental Clearance (EC) as it falls under item 1(c) (ii) project as per EIA Notification, 2006 but they are going ahead with the project with old Environmental Clearance (EC) granted on 14.05.2003 for the expansion of the Gouravelli Reservoir in 2021. As per Environmental Clearance (EC) dated 14.05.2003, there was no displacement, only 784 persons were identified as project affected persons. But in Re-Engineering project, four (4) villages will be fully submerged and two (2) villages will be affected and more than 2355 persons will be affected due to change of scope of the project. They are proceeding without obtaining necessary Environmental Clearance (EC), which is in violation of the EIA Notification, 2006 and also the Environment (Protection) Act, 1986.
3. The Principal Bench of National Green Tribunal, New Delhi in Appeal No. 20 of 2018 (PB) and O.A. No. 204 of 2020 (PB) on Kaleshwaram Lift Irrigation Scheme came heavily on the expansion of the existing project including the reservoir without obtaining prior Environmental Clearance (EC). This Bench also considered a similar issue in O.A. No. 147 of 2021 (SZ) and O.A. No. 148 of 2021 (SZ) in respect of Palamuru Rangareddy Lift Irrigation Scheme and these cases are pending before the Tribunal. Since, the authorities have

not considered the representations made by the local persons, the applicant has no other remedy, except to approach this Tribunal seeking following reliefs:

- (i) Direct the State of Telangana/project proponent not to proceed with the expansion works of Flood Flow Canal and Gouravelli reservoir until mandatory approvals are obtained/amendments to the environment clearance is accorded after duly appraising the proposal by the statutory authorities, Experts Appraisal Committee (River Valley Projects) under Union of Ministry of Environment Forest & CC, Union Ministry of Jaisakri, Godavari River Management Board, Central Water Commission.
- (ii) Direct the State of Telangana, District Collector of Siddipet not to damage the agriculture lands of farmers until the approvals are accorded for the expansion of the Flood Flow Canal and Gouravelli Reservoir Project by MoEF, CWC, Godavari River Management Board etc., and allow the applicants/farmers to cultivate their lands.
- (iii) Appoint an experts Committee to undertake comprehensive study on the Flood Flow Canal and Gouravelli reservoir expansion project as it was done in O.A. No. 147 of 2021 and O.A. No. 71 of 2020(SZ).
- (iv) Pass any such order, as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

4. As per order dated, 13.08.2021, this Tribunal had constituted a Joint Committee comprising of (1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF&CC), Integrated Regional office, Telangana at Hyderabad, (2) a Senior Officer from Godavari River Management Board, Hyderabad, Telangana and (3) a Senior Officer from Central Water Commission (CWC), Hyderabad to inspect the area in question and also to examine the project and submit a factual as well as action taken report if there is any violation found.

5. The Committee was directed to ascertain as to:

- (i) whether the proposed project requires prior Environmental

Clearance (EC),

- (i) What is the impact of this project on environment,
- (ii) 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.
- (iv) What is the nature of consequential impact on the villagers due to the subsequent receding area of the reservoir , which is likely to lead to submergence or inundation of nearby villages
- (v) Whether any alternate rehabilitation projects have been envisaged by the Government to replace or re-settle the persons likely to be affected by the project,
- (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 and
- (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 the remedial measures to restore the damage caused to the environment.

6. The Godavari River Management Board was designated as the nodal agency for coordination and also for providing necessary logistics for this purpose.

7. The 3rd respondent/Irrigation & CAD Department had filed their preliminary objections stating that the application is not maintainable and it is barred by limitation. The applicants are making misleading statement wrongly quoting the Environmental Clearance (EC) for SRSP-II dated with the same date i.e., 14.05.2003. The Environmental Clearance of SRPC-II dated 14.05.2003 states that there was no displacement and that only

784 persons were identified as Project Affected Persons whereas the Environmental Clearance (EC) of Free Flow of Canal (FFC) project with the same date issued as per E. No. J-12011/26/2000-IA-I dated 14.05.2003 clearly spelt that 17,056 persons will be affected due to this project.

8. The applicant is not an affected person and even, when the applicant is entitled to file an application, then he can file the same within a period of six (6) months from the date when the "cause of action first arose" and maximum period of sixty (60) days can be granted to condone the delay as well.
9. After bifurcation of State Andhra Pradesh, State of Telangana has envisaged re-engineering of the irrigation projects. However, no change in the scope of the projects has been effected. Minor changes were made only to achieve the design irrigation potential and to overcome the hurdle and unworkable designs etc., Flood Flow Canal (FFC) project as originally cleared in the 64th TAC of CWC envisaged irrigation facility to an area of 2.2 lakh acres in the drought prone areas of Telangana region duly diverting about 20 TMC of surplus water from Sriramsagar project during floods and balance 0.32 lakh acres through Ground water, thus totally to 2.52 lakh acres. Hence, it is incorrect to state that in the name of re-engineering, the ayacut has been increased to 2.52 lakh acres.
10. The Detailed Project Report (DPR) of FFC project prepared and approved consists of Gouravelli Reservoir to meet the objective of irrigating 2,20,000 acres under the Flood Flow Canal project from SRSP of duly utilising 20 TMC of flood water of Godavari river, the excess flood as per the data available occurs in every four years and the excess flood has to be captured and stored during such year. In order to facilitate these aspects and also to enhance the storage capacity, certain minor changes have been made in the project, except that, there was no change in scope.

11. The Sriramsagar project was commissioned in the year 1964-69 with a designed capacity of 112 TMC. But due to heavy siltation, the effective storage capacity has been decreased to 90 TMC over the years. Therefore to increase the untapped flood water to compensate the storage lost due to dropping of Combined Storage Reservoir (7.346 TMC) near Konaraopet (V), was proposed which was approved by the CWC in the 64th TAC meeting under Flood Flow Canal project, the Government of Telangana has now proposed to increase the Gouravelli reservoir capacity from 1.410 to 8.230 TMC, as already proposed Gouravelli reservoir is bestowed with advantages such as (I) Geographical advantage of the site at which the reservoir was proposed, (II) minimal submergence of lands for the increased storage capacity and (III) minimum number of families displacement, which are favourable for consideration for enhanced storage capacity made Gouravelli project.

12. They have also given the average rain fall anticipating surplus rainwater which requires the changed scope for increasing the storage capacity of the reservoir. They have given the nature of Government approval as follows:-

The Government vide G.O.Ms. No. 166, Dt: 13.07.2007 have accord Administrative approval for Rs. 913.15 crore (Rs. 116.30 crore was made by for formation of Gouravelli Reservoir) for taking up phase II works of flood canal from SRSR. The work was technically sanctioned by the Chief Engineer (projects) for Rs. 62.92 crore vide CER No.09/2007-08, Dt: 02.11.2007 (with SSR 2007-08).

The work formation of Gouravelli Reservoir was entrusted to an agency with a condition that the work should be completed with a stipulated period of 24 months (i.e. 29/05/2010) About 57% of work was completed by the said agency. Due to non-finalisation of the R & R Colonies the balance work was not tackled by the agency.

13. During the review of irrigation projects and after number of discussions, it was suggested that the Gouravelli reservoir under Flood

Flow Canal project is more economical to increase the capacity with respect to Geographical, Topographical, Ecological etc., of the site at which the reservoir was proposed and as a part of visiting the irrigation projects, the Hon'ble Chief Minister visited the Gouravelli Reservoir and directed the project authorities to study the feasibility to increase the capacity of Gouravelli reservoir under Re-Engineering of Flood Flow of Canal project.

14. They have also given the details as to how this will have to be increased and the nature of approvals granted by the Government are as follows:-

The State level standing committee recommended the Government to increase the Gouravelli reservoir Capacity from 1,410 TMC to 8.23 TMC duty increasing the FRL from +398.00 M to serve the drought prone areas of Husnabad constituency and Ghampur Constituency, thereby to irrigate ayacut under Gouravelli Reservoir Ac.1,06,000, under Gadipally lift Ac.14,000 and the Government have approved vide memo No. 10131/projects/2015, Dt. 04.01.2016. Accordingly detailed investigation was carried out and observed that it is feasible to increase the capacity of Gouravelli reservoir to 8.23 TMC at FRL +415,000 M with total submergence of 3870 acres which includes either submergence area of 1814 acres with FRL at + 398.000 M.

The Government vide G.O.Rt.No.533, I &CAD (Projects-IV) Dept, dated 26.05.2017 have accorded Administrative approval for the Revised Estimate of the work "Formation of Gouravelli Reservoir with enhanced capacity from 1,410 TMC TO 8.230 TMC water including construction of H.C. Weir, I/s & R/s OT sluices, Formation of Diversion Road including construction of DLR Bridges, Investigation, Designing and Estimation near Gouravelli (V), Akkannapeta (M), Siddipet District" to an amount of R. 1196.06 crore.

15. The work was again entrusted to the same agency for completion of the remaining work by Government vide G.O.RT. No. 609, Dated: 30.06.2016. They have completed 85% of the work and 90% of the Land Acquisition and Rehabilitation and Resettlement (R & R) was

completed and payments were made to the affected beneficiaries.

16. All these things happened long ago and the present application was filed only on 09.08.2021 which is outside the period of limitation So they prayed for dismissing the application on the ground of limitations alone.

17. The 3rd respondent had filed their detailed counter, apart from the preliminary objection reiterating the same things mentioned in the counter affidavit by raising the preliminary objection and also giving the details of the project which reads as follows:-

Phase – I

- a. Head Regulator at the foreshore of Sriramasagar Project with approach channel.
- b. Flood Flow Canal (SRSP) to Mid-Manair Reservoir – 122 Km.
- c. Canal network at Km 98,000 on FFC to irrigate an ayacut of 20,000 acres.
- d. Mid – Manair Reservoir (Gross capacity – 25.873 TMC) at Manawala village, Karimnagar Dist.
- e. Two irrigation canals from Mid – Manair reservoir to irrigate 80,000 acres an ayacut 1,06,

Phase – II

- a. MMR R/S Link Canal.
- b. Lifting of water from MMR R/S link canal to Gouravelli Reservoir.
- c. Formation of Gouravelli with increase in capacity from 1,409 TMC to 8.23 TMC.
- d. Gouravelli Right side canal and left side and left side canal with distributary system feed an ayacut of 1,06, acres.
- e. Lifting of water from Gouravelli reservoir to Gandipally reservoir of capacity 0.158 TMC including its Right side and Left side canals to feed an ayacut of 14,000 acres.

18. They have also given the details of the work and also given a comparative parameters approved by CWC in 1996 and works taken up by the Telangana State Government as follows:-

S.No	Description	In 64 th TAC (1996)	Present Status	Remarks
I	Water utilization in TMC	20	20	
II	Storage Capacities in TMC			
1	Combined Reservoir Across PeddaVaagu-II	7.346	Deleted	Deleted by the then AP Government due to resistance from locals
2	Mid Manair Reservoir	25.873	25.873	Completed
3	Gouravelly Reservoir	1.095	8.230	85% completed
4	Gandipally Reservoir	-	0.158	45% completed
	Total	34.314	34.261	i.e. within the capacities approved by CWC in 1996.
III	Ayacut in Acres			
1	Combined Reservoir Across PeddaVaagu-II & Korutlavaagu	32,000	0	Due to deletion of Reservoir, 12000 Acres of ayacut is adjusted under MMR and remaining 20000 acres of ayacut is proposed under canal net work OT at km 98 on FFC.
2	Mid Manair Reservoir	68,000	80,000	Completed
3	Canal net work OT at km 98 on FFC	-	20,000*	* Ayacut serves directly through Canals
4	Gouravelly Reservoir	1,20,000	1,06,000	*14,000 Acres of Gandipally Reservoir shown under Gouravelly Reservoir ayacut under

S.No	Description	In 64 th TAC (1996)	Present Status	Remarks
				High level canal of Gouravelly reservoir.
5	Gandipally Reservoir	0	14,000*	Work in progress
	Total	2,20,000	2,20,000	

19. They have also given the comparison of various details between deleted Combined Storage Reservoir-I of 7.346 TMC and Gouravelly reservoir of 8.23 TMC as follows:-

S.No	Description	Combined Storage Reservoir-(7.346 TMC)	Gouravelly Reservoir 8.23 TMC
1	Land acquisition (Ha)	3753	1566.8
2	No. of Villages submerged	Fully - 06 Partially- 07	Fully - 04 Partially- 06
3	No. of Houses coming under submergence	4165	817

S.No	Description	Combined Storage Reservoir-(7.346 TMC)	Gouravelly Reservoir 8.23 TMC
4	No. of families effected	PDF - 4275	PDF - 1104 PAF - 49
5	Ecological sensitive areas affected	Nil	Nil

20. They have also given a Comparative statement regarding Land acquisition, number of families affected, number of villages submerged before and after the increased capacity of the Gouravelly reservoir as follows:-

S. No	Description	Requirement for 1.409 TMC of Gouravelly reservoir	Additional requirement after 8.230 TMC of Gouravelly reservoir	Total	Remarks
1	Land acquisition (Ha)	769.25	797.55	1566.8	1456.68 Ha-acquired (payment made), 110 Ha balance to be acquired
2	No. of Villages submerged	Fully - 04 Partially- 02	Partially- 04	Fully - 04 Partially- 06	
3	No. of Houses coming under submergence	693	124	817	Payment made - 795 Balance - 22
4	No. of families effected	PDF - 937 PAF - 49	PDF - 167 PAF - 0	PDF - 1104 PAF - 49	Payment made to PDF-922 & PAF - 49 Balance - 182 PDF

Furthermore, about 93 % Land losers and Project Displaced Families have accepted the compensation by giving their consent for the formation of the reservoir and accordingly, payments were done to them. Recently i.e. on 18.06.2021 the LAO, Husnabad has conducted the Grama Sabha to acquire balance 110 Ha of land. The balance land looser were also not opposing the project but demanding for higher compensation.

1. Socio Impact Assessment:

The Government have given exemption to the **Flood Flow Canal Project from SRSP** from the application of the provisions of Chapter-II & III (Socio Impact Assessment) of RFCTLA&RR-2013 vide G.O.Ms.No.41, Dt.22.07.2017 and there is no forest land involved in the FFC project from SRSP.

Till now 85 % of Gouravelly Reservoir formation work is completed and the total expenditure incurred is Rs.1083.87 Crores including works, LA and R&R as against the sanctioned amount of Rs.1195.99 Crores. It is programmed to complete the project by December 2021.

2. Environment and Ecological Aspects of the Gouravelly Reservoir project for 8.23 TMC:

Gouravelly Reservoir is proposed near Gouravelly village, Akkannapetmandal (erstwhile Husnabad), of Siddipet District (erstwhile Karimnagar district) with a gross storage capacity of 1.409 TMC and was enhanced to 8.230 TMC. Two gravity canals taking off from Gouravelly Reservoir to irrigate an ayacut of 1,20,000 Acres (48,560 Hectares).The submergence of the Gouravelly Reservoir area is of 1567 Hectares. The four villages namely Gudatipally, Tenugupally, Maddelapally and

Kothapally of Gouravelly Revenue village along with the 6 Thandas, Hamlets of Gouravelly are fully submerging in the reservoir. The villages Gouravelly, Jangoan, Regonda, Nandaram, Ramavaram and Gandipally are partially coming in the submergence area. In addition, about 270 irrigation wells and roads of 8.0 Km length is also liable for submergence. The important feature of submergence area is **no forest area** is liable for submergence.

EIA and EMP studies were conducted within the radius of 10 kms from the project area at the time of granting Environmental Clearance. Even after enhancement of Gouravelly Reservoir storage capacity to 8.23TMC, the submergence area is within the radius of EIA conducted previously.

Details of the Project Displaced families and Population:

Total No. of Displaced families: 1104

Total No. of Affected families: 49

Total Population in the Submergence area: 3050

No. of Scheduled Caste Families: 07

No. of Scheduled Tribes Families: 294

No. of B.C Families: 567

No. of O.C Families: 236

No of Small Farmers: 209

No of Mariganal Farmers: 179

No of Landless poor Farmers: 219

No of Artisans/Small traders: 21

No of Agriculture Labour: 506

3. Details of Rehabilitation & Resettlement (1104 PDF's & 49

PAF's):

Total 937 PDF's and 49 PAF's are coming under the submergence of 1.409 TMC of Storage capacity. The compensation towards R&R was paid to 927 PDF's @ Rs. 8.0 Lakh/PDF as one time settlement as per the G.O Ms. No. 23 Irrigation & CAD, (LAR&R/A2) Department, Dt: 18.04.2017. Total 49 PAF's were paid as per G.O Ms. No. 68, Irrigation & CAD (PW.LA IV) Department, Dt: 08.04.2005.

Additional 167 PDF's are coming under the enhanced capacity of 8.230 TMC. The compensation towards R&R is proposed as per the LARR ACT 2013. They accepted the proposal and the same is under process for final settlement.

4. Details of Land Acquisition (Ac 3870-10 ½ Gts):

Total of Ac 1814-33 ½ Gts (769.25 Ha) is coming under the submergence for 1.409 TMC of storage capacity. The compensation was paid as per old Land Acquisition Act, 1894.

Additional extent of Ac 2055-17 Gts (797.55 Ha) is coming under the submergence for 8.230 TMC of storage capacity. The compensation for an extent of Ac 1783- 14 ½ Gts. was paid @ Rs 6.95 Lakh/acre as per LARR Act, 2013 (Telangana Amendment Act 2016) and the beneficiaries of balance extent Ac 272-02 ½ Gts. are not accepting for the compensation fixed and paid.

5. Details of Structures (817 Nos):

The total numbers of 693 structures are coming under the submergence of 1.409 TMC of storage capacity out of which 685 structures were paid. The balance 6 structures were not paid due to disputes between the parties.

The additional numbers of 124 structures are coming under the submergence of 8.230 TMC of storage capacity out of which 110 structures were paid. The balance 14 structures are in the process of payment.

6. Soil Conservation Measures:

Plantation will be done in the project area as per the guidelines of the Forest Department after completion of the project. The total number of 41,000 saplings will be planted.

7. Ground Water:

According to the 2016-17 Ground Water departments' report the depletion of Ground water in the command area ranges from 10.0m bgl to 20.0m bgl. The quality of ground water is fit for drinking and irrigation.

8. Mining Operations:

No mining operations are carried out both in the project area and catchment area.

9. Industrial Development in the Project area:

There are no major or medium Industries in the project area at present. In future there is a scope for aquaculture. There is large scope for Tourism development in this area.

10. Wild Animals & Birds:

There are no wild animals and Bird sanctuaries in the project area.

11. Endemic Health problems:

There will be no endemic health problems in the area of Gouravelly Reservoir due to water soil borne diseases.

12. Water logging:

The command area generally comes under upland area and it is having good natural slope generally well drained through local streams

and vaagus. There is no problem of surface drainage. In Right Main Canal of Gouravelly Reservoir the ground fall is 30.0 M over a length of 47.0 Km and in Left Main Canal of Gouravelly Reservoir the ground fall is 60.0 M over a length of 14.6 Km. Hence no water logging problems are anticipated in the command area under post project conditions.

Benefits due to enhancement of Gouravelly Reservoir Storage Capacity:

1) The capacity of the Reservoir is increased to 8.23 TMC so as to store water in the Reservoir by diverting the flood water from SRSP which will be available for only few days during the floods. Before that, to supply water to the contemplated ayacut with the gross storage capacity of 1.410 TMC, it requires 12 fillings continuously through lift scheme, almost to a height of 123.90 m, in 120 days and if any technical defect arises in the lift system it will be toilsome to serve water for drinking and irrigation purpose until the restoration of the lift system. Now, with the enhanced capacity of 8.23 TMC in the Gouravelly reservoir, water will be supplied continuously for drinking & irrigation purposes with only 3 fillings through lift scheme during the restoration of the lift system, if any technical defect arises.

2) As Husnabad is highly drought prone area, enhancement of Gouravelly Reservoir will cater the needs of drinking water of all the dwellings in and around Husnabad in addition to the contemplated ayacut.

3) This will serve the drinking water needs of the villages and also helps in raising ground water levels.

4) The total population benefited in command area mandals is 2,45,938 as against the total population affected in the catchment area of Gouravelly reservoir is 3060.

5) In future, there is a scope for Aquaculture and also a large scope for Tourism development in this area thereby increasing the opportunities of self employment and livelihood.

6) Due to drought effect the numbers of people were migrated to urban areas for employment. This may reduce with the increase of Agriculture productivity and Aquaculture & Tourism development

7) The project was designed in the year 1992-93 and since then there is a substantial increase in the demography there by causing agricultural stress in project ayacut area and also over exploitation of ground water for agricultural activities. The enhancement of storage capacity is likely to counter such circumstances.

13. In reply to Paras 6 to 8 and 10 of the O.A., it is submitted that the averments made by the applicants are misconceived, not maintainable in law and on facts, hence denied in toto.

14. In reply to Para 9 of O.A., it is submitted that the Applicants in their O.A., has misled the Hon'ble Tribunal by wrongly quoting that they have not raised environmental issue neither before the Hon'ble High Court nor this Hon'ble Tribunal/any other forum prior to filing of this O.A. But the 2nd applicant Baddam Yella Reddy, S/o Adi Reddy and 4th applicant Uske Singireddy Thirumal Reddy ,S/o Yella Reddy has approached Hon'ble High Court, Telangana vide W.P.No. 11306/2020, Dt:24.07.2020 and W.P. No. 41334/2017, Dt: 04.12.2017 respectively wherein they raised about Environmental clearances.

21. It is also mentioned in the counter affidavit that the 2nd applicant/ Baddam Yella Reddy, S/o Adi Reddy has approached the Hon'ble High Court of Telangana vide W.P. No. 11306/2020, dated: 24.07.2020 and W.P. No. 41334/2017, dated: 04.12.2017 respectively wherein they have raised about the Environmental Clearance (EC) issues. So they

- prayed for accepting their contentions and dismissal of the application.
22. Respondents No. 2, 4 and 5 filed their counter contending that as per the "Guidelines for submissions, Appraisal and Acceptance of Irrigation and Multipurpose Projects, 2017", the Ministry of Water Resources, River Development & Ganga Rejuvenation (MoWR, RD&GR), Advisory Committee of Department of Water Resources, River Development & Ganga Rejuvenation (MoWR, 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 MoWR, RD&GR, MoJS conveys Investment Clearance for such projects.
23. As per the provision of the Andhra Pradesh Reorganisation 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, 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.
24. 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 Tribunal constituted under the Inter-State River Water Disputes Act, 1956 for the projects already completed or taken up

before appointed day.

25. 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 64th meeting held on 03.04.1996 with certain conditions. Also revised cost estimate of the same project was considered and accepted by the 128th meeting held on 29.02.2016.

26. The project mainly comprises of the following components which reads as follows:-

1. Flood 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 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 from MMR to irrigate 32376 Ha annually.
5. Single Stage Lift (102m) cum Gravity Canal from MMR to Gouravelli reservoir.
6. Formation of Gouravelli Reservoir having gross storage capacity of 39.92 MCM (1.41 TMC)
7. The three irrigation canals from Gouravelli Reservoir to irrigate an extent of 48561 Ha.

27. It is also mentioned in the counter affidavit that the proposal for the expansion work of Flood Flow Canal and Gouravelli Reservoir has not been submitted to CWC and GRMB. They have also given the same details while giving the Para wise reply to the allegations made in the application.

28. The Ministry of Environment, Forests and Climate Change/ 1st respondent has filed their counter affidavit reiterated the allegations made in the applications regarding the change of scope of the project and also alleged violations. They have reiterated the necessity of obtaining prior Environmental Clearance (EC) and the procedure provided as per EIA Notification, 2006.

29. It is alleged in the counter affidavit that from the Parivesh web portal (<http://parivesh.nic.in/>), the project in question has never applied for the grant of TOR or Environmental Clearance (EC), meaning thereby proposal of the said project was never submitted for consideration before the answering respondent. In order to ascertain the real issue, they have sought for certain factual reports from the Integrated Regional Office, Vijayawada by communication dated 26.10.2021 and 09.11.2021 to provide details regarding Dindi LIS. Meanwhile, the counter affidavit by the project proponent/R5 was also scrutinized. The IRO, Vijayawada vide communication dated 10.11.2021 provided documents pertaining to the said project. After perusal of the counter-affidavit of the project proponent/R5 and the documents received from the IRO, Vijayawada, the answering Respondents deduced some of the significant details for the project which are as follows:-

- i. *The Dindi LIS is undertaken by Respondent no. 5 project proponent envisages providing drinking water to the most severely affected areas by Fluorosis and irrigation facilities to drought-prone areas of Nalgonda district and Mahabubnagar district by lifting the floodwater from the foreshore of Srisaikhya Reservoir to Dindi Reservoir at 0.5 TMC per day for 60 days to a quantum of 30 TMC.*
- ii. *The Respondent no. 5 Project Proponent accorded Administrative approval to the Dindi Litt irrigation scheme*

vide G.O.Ms. No: 107, I & CAD (Project-I) dept., on 11.06.2015.

iii. The Culturable Command Area of Dindi ZIS is 1,37,996 ha. Here it is pertinent to mention that as per the schedule appended to EIA Notification, 2006 (as amended on 14.08.2018), the said irrigation project falls under Category A at item no. 1 (c) since the culturable area is more than 50,000 ha.

iv. Here it is noteworthy to mention that the Respondent no. 5 Project Proponent vide its counter affidavit (Para no.6 read with annexure R5) has admitted the fact that the construction of the project in question was initiated based upon the 'Administrative Approval' granted by the Irrigation and CAD Department of State of Telangana by issuing G.O.Ms No. 107 dated 11.06.2015. The relevant portion of Para no.6 of the counter affidavit is reproduced below:

"...For the said Scheme Administrative Approval on the basis of the estimate for an amount of Rs. 6, 190.00 crore was accorded by the Government of Telangana by issuing G.O.Ms No 107, Irrigation & CAD Department, dated 11.06.2015..."

Further, it is also inferred from the said counter affidavit (Para no. 11) that the Respondent no. 5 project proponent had acknowledged the fact that the project in question has been under construction since several years. The relevant portion of Para no. 6 of the counter affidavit is reproduced below:

"...Thus, the State of Andhra Pradesh is aware of the construction of the Project right from 2016; but slept over the matters for all these years and filed the present Application after more than 5 years. Thus the Application filed by the Applicant is barred by limitation..."

Thus, based upon the document titled as 'Brief Note on Dindi ZIS' received from IRO, Vijayawada and Annexure R1 & R5 annexed with the counter affidavit of Respondent no. 5 it is established that the culturable command area of the said project is more than 50, 000 ha. Which has been under construction without prior Environmental Clearance.

30. It was also mentioned that since the project in question (having culturable command area of 1,37,996 ha) falls under Category "A" classification of the EIA Notification, 2006 and there it requires prior Environmental Clearance (EC) before proceeding with the construction of the project. But the project proponent did not approach the respondents so far. Though, there was no project details available about Dindi LIS with them, from the counter affidavit of the respondent no. 5, it is clear that the project is under construction from 2015 for which Administrative Approval was taken from the Irrigation Department of the State of Telangana, whereas the said project required prior Environmental Clearance (EC) under the provisions of EIA Notification, 2006.
31. They have further mentioned that if there is any violations found against environmental laws, they will take it very seriously and they have also issued show cause notice under Section 5 of the Environment (Protection) Act, 1986 to the respondent no. 5 vide proceedings dated 07.01.2022, on account of construction of Dindi LIS without prior Environmental Clearance (EC). So they prayed for considering their objection and passing appropriate orders.
32. First respondent also filed another counter affidavit dated 23.01.2022 wherein they have produced Environmental Clearance (EC) granted to Flood Flow Canal Project from Sri Rama Sagar Project proceeding No. J-12011/26/2000-IA-I on 14.05.2003 reiterating the conditions that in case of change of scope of the project the project would require a fresh appraisal.
33. It was also alleged in the further counter affidavit that issue of expansion Gouravelli Reservoir in Siddipet District comes under the Flood Flow Canal Project from Sri Rama Sagar Project, the said

envisaged project provides Irrigation facility to the upland drought-prone areas of Karimnagar, Warangal and Nalgonda Districts of Andhra Pradesh to an extent of 89,029 ha. An area of 40,468 ha will be irrigated by gravity flow and the rest 48,561 ha by lift irrigation to utilize Moum of surplus water from the foreshore of Sri Rama Sagar Project Reservoir. The detailed features of the project in question are as follows:-

- a. Total land requirement for the project is 12,930.50 ha.
- b. For the construction of three reservoirs, 31 villages (17 full and 14 partial) consisting of 9,942 households will be affected.
- c. The components of the project site comprise of Mid-Mauair Reservoir and Guntavelli Reservoir.
- d. The total ayacut that was proposed was 2.2 lakh ha.

34. They have also reiterated the provisions of EIA Notification, 1994 as follows:-

“.....I(a) Any person who desires to undertake any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.....”

35. They have also reiterated the change in superseded of the EIA Notification by notification number S.O. 1533 (F) dated 14.09.2006, issued by Ministry of Environment Forests and Clearance Change (MoEF&CC) and extracted the details and scope of the EIA Notification, 2006.

36. They have also reiterated, the observations made by the Joint Committee dated 23.12.2021 as follows:-

- i. *“...Project proponent has constructed three reverse pumps at flood flow canal of the Sri Rama Sagar project without obtaining an 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 a fresh appraisal...

- ii. *"...Changing the scope of project without the approval of MoEF&CC attracts violation of EIA notification 2006..."*
- iii. *"...non-compliance of environmental clearance conditions may lead to environmental damages..."*
- iv. *"...It has been found that no fresh environmental impact assessment study has been done by the project proponent for the expanded project..."*
- v. *"...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 PDPs increase to 1104 from 937..."*
- vi. *"...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..."*
- vii. *"...that an amount of Rs. 20,531,250/- is calculated as environmental compensation..."*

37. They have also observed the following non-compliance of EC conditions as follows:-

- a) *Proponent did not submit any six monthly compliance report to Ministry since the grant of Environmental clearance letter.*
- b) *Compliance of specific conditions of environmental clearance issued to project authority has not been complied so far.*
- c) *Dumping of Over Burden and stabilisation are not carried on properly.*
- d) *Ambient air, fugitive emission, water (surface & ground water), and noise level have not been monitored so far*
- e) *Generation and Disposal of wastes, mucks, hazardous wastes are not monitored and submitted.*
- f) *Vehicle movements and emissions were not monitored.*
- g) *Water sprinkling to control fugitive emission and green belt are not provided.*
- h) *Details of DG sets emissions are not submitted*

- i) Facility of SPP and MTP are not provided.
- ii) The labourers to be engaged for construction works shall be thoroughly examined by health personnel and adequately treated before issuing them work permit.
- iii) 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.

38. It is also mentioned in the subsequent counter affidavit that since the project file with respect to the Flood Flow Canal project from Sri Rama Sagar Project has been modified by the expansion of the Gouravelli Reservoir under the project in question without the consideration of the answering respondent for further amendment; therefore it does amount to change in scope of the project, attracting the provisions of EIA Notification, 2006. Further, serious non-compliance of EC conditions have been observed wherein it has been found none of the specific conditions were undertaken.

39. On the basis of the observations made by the Joint Committee they have issued show cause notice under Section 5 of the Environment (Protection) Act, 1986 to the 3rd respondent vide proceedings dated 07.01.2022 wrongly shown as 07.01.2021 in the counter affidavit on account of change of scope before the project prior Environmental Clearance (EC) and non-compliance of the environment conditions. So they prayed for accepting their contentions and passing appropriate orders in accordance with law.

40. The Joint Committee has filed the report signed by some of the members on 29.09.2021, e-filed on 23.11.2021 which reads as follows:-

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 Guravelli 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, GbI, 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 organizations:

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

1. Guravelli 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 portion
1
s 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 Guravelli 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 Khariff. 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 (EDFs) increase from 937 to 1104.

The project has been given clearance by the Technical Advisory Committee (TAC) of MWR 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 Guravelli

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 Guravelli Village. Approval was accorded for this project by TAC of MWR in its 128th 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 Guravelli 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	Total
Mid Manair Reservoir							
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

3

ii	Afforestation and Re- vegetation	10.00	20.00	20.00	20.00	24.38	94.38
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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	-	-	-	-	-	-
Gouravelli Reservoir							
I Biotic treatment measures (are in sq.km.)							
i	Social forestry, Agro-forestry, Silvipasture	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	<i>Engineering / Gully control works (in No.)</i>						
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 Ran 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 MDWR.

Terms of Reference of Joint Committee:

The NEI 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 commencement 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 Rana 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 Guravalli 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 stabilization 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 SIP and EIP 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 laborers 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 PAFs 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

(v) 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 **whether any alternate rehabilitation projects have been envisaged by the Govt to replace or re-settle**

ons 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.

• 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.

(vi) 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 levelling, 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 desilts 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.

41. The State of Telangana has filed their objections to the Joint Committee report.

42. The learned Additional Advocate General, State of Telangana submitted that since the regulators have already initiated proceedings, this Tribunal can dispose of the matter without making any observation regarding the merits of the case. Leaving open the right to take appropriate directions to the regulators. The counsel appearing for the applicant submitted that if it is left to the regulations regarding environmental compensation etc., without any direction, they will impose only meagre compensation without considering the importance of violation on environment, especially the repeated offences being committed by the State while implementing major projects and the callous attitude of the State of Telangana towards environmental laws and their modus operandi of violating the laws and paying meagre

- penalties imposed so far which are microscopic fraction of the project costs.
43. As regards the question of limitation is concerned, whenever any violation of environmental laws are pointed out and if they are continuing in nature, then every violation will give rise to a fresh cause of action enabling the party to file the application before this Tribunal. Further, if environmental degradation has been alleged and compensation as well as restoration also sought for in respect of the same, then, the limitation will be on higher limit as envisaged under Section 15 of the National Green Tribunal Act, 2010.
44. Under such circumstances, we are not in agreement with the submissions made by the Additional Advocate General, State of Telangana and also other counsels along with him for the State of Telangana, that the application is barred by limitation.
45. Even if there is any violation found, normally this Tribunal will be directing the regulators to take appropriate action in accordance with law. In this case since Ministry of Environment, Forests Climate Change (MoEF&CC) itself has mentioned in the counter affidavit on the basis of the observations of the Joint Committee materials available the project requires further appraisal and without getting further Environmental Clearance (EC) for the change of scope and since there was violations noted, they have already decided to initiate action against the State of Telangana for the violations alleged to have been committed by them in proceeding with the project without obtaining further environmental clearance.
46. Even if assuming that they wanted to apply for Environmental Clearance (EC), seeking for amendment that is not permissible under law as it will have to be treated as a fresh application for Environmental

Clearance (EC) and they will have to undergo all the processes of, issuing of terms of reference (TOR), public hearing and other procedures provided under EIA Notification, 2006 as has been observed by the Hon'ble Apex Court in and (**Key Stone Realtors Vs. Anil V. Tharthare (2020) 2 SCC 66**) this aspect will also will have to be considered by the MoEF& CC, when such applications have been filed.

47. The Joint Committee also found certain violations of the EC conditions. That aspect also has to be been taken note of by the Ministry of Environment, Forests and Climate Change (MoEF& CC) while issuing show cause notice under Section 5 of the Environment (Protection) Act, 1986.

48. As regards the non-compliance of the acquisition process and non-fulfilment of the re-settlement scheme, this Tribunal will not be having power to go in those aspects. The affected parties are at liberty to approach the appropriate forum for necessary reliefs in this regard. If it is part of the conditions imposed in the environment clearance, then, it is for Ministry of Environment, Forests and Climate Change (MoEF& CC) while considering the violation of the conditions has to look into the issue and issue necessary directions in this regard including further environmental compensation if it is to be fixed in this regard. Further, the Ministry of Environment, Forests and Climate Change (MoEF& CC) is also entitled to revisit the question of compensation and they need not assess the quantum of compensation fixed by the Joint Committee in this regard and take fresh decision of the materials collected, nature of natural gravity of the violations and the damage caused to the environment on account of the proceeding with the project by the project proponent and also the conduct of the project proponent both the present and past in respect of this project as well as

other project undertaken by them and violation of the EIA Notification, 2006, the nature of damage caused and cost of restoration required while assessing the environmental compensation.

49. Under such circumstances, we feel that the application itself can be disposed as follows:-

- (1) The contention of the contesting respondent, namely, State of Telangana, that the application is not maintainable and barred by limitations is rejected and we hold that the application is maintainable and within limitation.
- (2) Since the Ministry of Environment, Forests and Climate Change (MoEF&CC) has taken cognizance of the alleged violations said to have been committed by the State of Telangana and initiated proceedings under Section 5 of the Environment (Protection) Act, 1986 by issuing show cause notice, we feel that there is not necessity for this Tribunal to proceed with the matter and leave open the regulators to take appropriate action against the project proponent on the basis of the enquiry to be conducted by them which must also include revisiting on the question of environmental compensation considering the gravity of the violations committed, on account of the proceeding with the project by the project proponent and also the conduct of the project proponent both the present and past in respect of this project as well as other projects undertaken by them and violation of the EIA Notification, 2006, the nature of damage caused and cost of restoration required while assessing the environmental compensation

and pass appropriate orders in accordance with law without much delay.

- (3) Since Ministry of Environment, Forests and Climate Change (MoEF& CC) has come to the conclusion on the basis of the material collected by them that the present project requires further environmental clearance, the State of Telangana is restrained from proceeding with the project further till the proceedings initiated by the Ministry of Environment, Forests and Climate Change (MoEF& CC) is completed.
- (4) If the project proponent makes an application for including the change of scope and apply for Environmental Clearance (EC) the same should not be granted by way of an amendment for existing EC and the entire process will have to be reassessed afresh as has been observed by the Hon'ble Apex Court in (Key Stone Realtors Vs. Anil V. Tharthare (2020) 2 SCC 66.
- (5) Ministry of Environment, Forests and Climate Change (MoEF& CC) is also at liberty to conduct further enquiry regarding the nature of damage caused and also the cost required for restoration of damage caused to the environmental and reassess the compensation to be recovered from the State of Telangana.
- (6) The Ministry of Environment, Forests and Climate Change (MoEF & CC) is directed to complete the process of the enquiry as early as possible at any rate within a period of four months and submit the further action taken report before this Tribunal after the expiry of four months has to

be fixed by this Tribunal.

- (7) As regards the remedy of the applicant regarding the non-availability of the benefits under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 to approach the appropriate authorities are left open.
- (8) If the Rehabilitation and Resettlement (R & R) is also part of the conditions of Environment Clearance (EC), then Ministry of Environment, Forests and Climate Change (MoEF & CC) are also at liberty to consider those violations and necessary directions can be given in accordance with law to comply with those conditions by the project proponent and take appropriate action if those conditions are not properly complied with on the basis of the further direction issued by the Ministry of Environment, Forests and Climate Change (MoEF&CC) in this regard.
- (9) Considering the circumstances, parties are directed to bear the respective cost.
- (10) The office is directed to place the report submitted by Ministry of Environment, Forests and Climate Change (MoEF & CC) in this regard as and when it is received before this Bench for further consideration.
- (11) The Registry is directed to communicate this order to the official respondents, including the Ministry of Environment, Forests and Climate Change (MoEF & CC), New Delhi, Integrated Regional Office, Ministry of Environment, Forests and Climate Change (MoEF& CC),

Hyderabad, Chief Secretary, State of Telangana and also Godavari River Management Board for their information and for compliance of the direction.

50. With the above observations and directions, the application is disposed of.

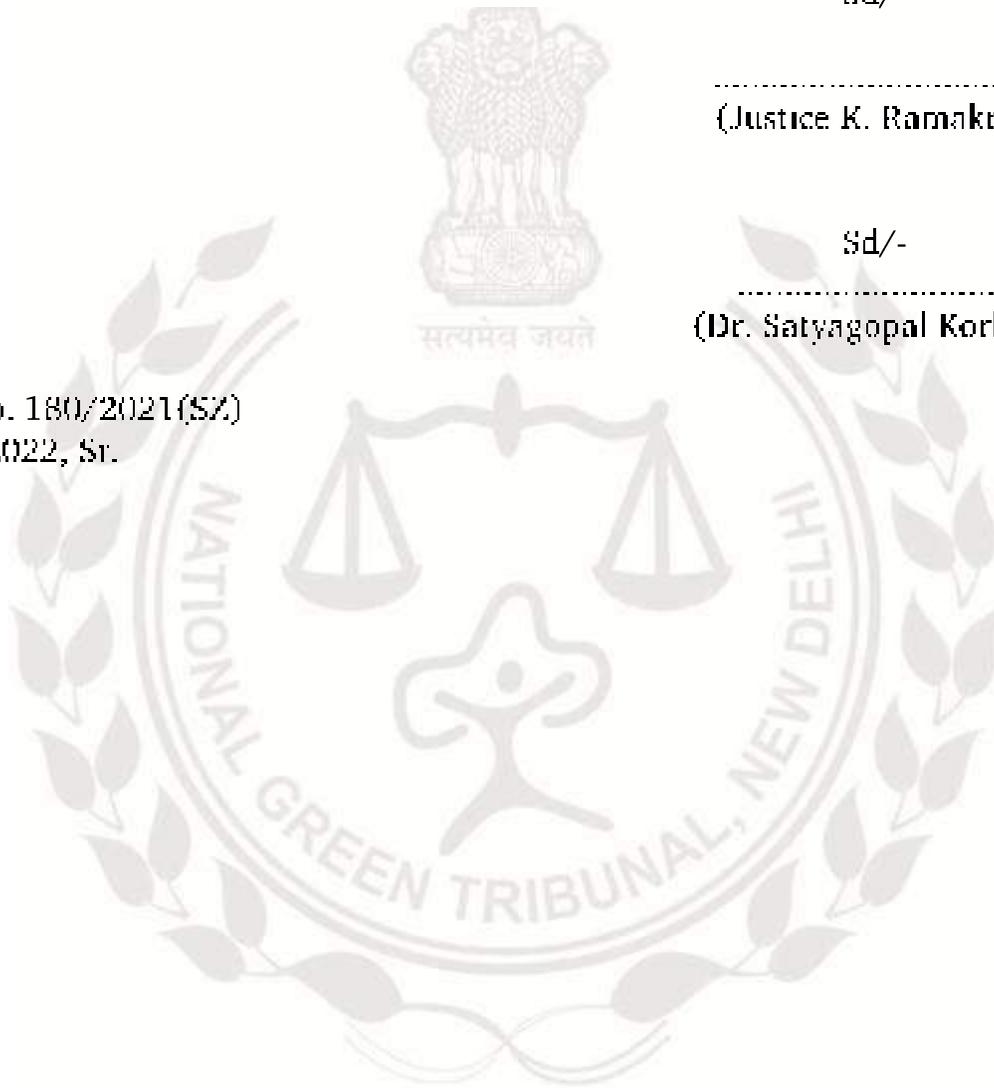
Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....F.M.
(Dr. Satyagopal Korlapati)

O.A. No. 180/2021(SZ)
10.02.2022, Sr.



NGT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE - CHENNAI.**

Original Application No. 180 of 2021(SZ)

Between

Baddam Raji Reddy and ors Applicants (S)

Versus

Union of India and others Respondent(S)

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T.V.Sai Srujan. Advocate

MoEF&CC

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH, CHENNAI**

ORIGINAL APPLICATION NO. 180 of 2021

IN THE MATTER OF: -

Baddam Raji Reddy and Ors.

.... Applicant(s)

Versus

Union of India and Others

.... Respondent(s)

**ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 1,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

MOST RESPECTFULLY SHOWETH:

I Tarun Kathula S/o Shyamala Rao, aged about 45 years working as Director/Scientist 'F' Integrated Regional office in the Ministry of Environment, Forest and Climate Change, Government of India having an office located at 3rd Floor, Aranya Bhawan, Saifabad, Hyderabad, Telangana, do hereby solemnly affirm on oath and state as under:

1. It is submitted that the instant Original Application was filed as the Irrigation & CAD Department of State of Telangana, under Re-Engineering Proposal, issued orders for expansion of Gouravelli Reservoir, situated in Siddipeta District, from 1.410 TMCs to 8.23 TMCs without obtaining the prior Environmental Clearance from the MoEF&CC.



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2. It is submitted that the applicant has contended that the State of Telangana has started the construction work for the *expansion of the Gouravelli Reservoir* in 2021 on the strength of the old EC which was granted on 14.05.2003 without obtaining amendment under the provisions of the EIA Notification, 2006, as amended. The Flood Flow Canal (FFC) project envisages an irrigation facility to an area of 2.2 lakh acres in the drought-prone areas of the Telangana region, diverting about 20 TMC of surplus of water from the Sri Ram Sagar Project during floods and storing in Balancing Reservoirs.

Further, it is alleged that the State of Telangana is in gross violation of the provisions of EIA Notification, 2006, on account of initiating several changes in irrigation projects without obtaining prior Environmental Clearance from the MoEF&CC and without undertaking mandatory impact study that led to submergence of four villages and has caused damage to the environment and loss of livelihood.

3. It is submitted that the present application has been filed by the applicant seeking the following reliefs:

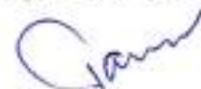
- i. To stop all construction activities relating to expansion of the Flood Flow Canal and Gouravelli reservoir by the State of Telangana until the Project Proponent obtains prior EC.
- ii. Direct the State of Telangana, District collector of Siddipeta not to damage natural resources and the agriculture lands of farmers until the approvals are accorded for the expansion of the Flood Flow Canal and Gouravelli Reservoir project.
- iii. To appoint an Expert Committee to undertake a comprehensive study on the flood flow canal and Gouravelli Reservoir expansion project.



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4. It is submitted that vide order dated 13.08.2021, the Hon'ble Tribunal constituted a Joint Committee, comprising a Sr. Officer from MoEF&CC, Regional Office, Hyderabad along with other expert members of other government offices/ departments, to ascertain the issues that were raised in the instant matter. The Joint Committee conducted the site visit and based on the observations, a report was filed stating certain non-compliances.
5. It is submitted that the counter affidavit was filed the MoEF&CC stating that:
- a. Since the project profile w.r.t Flood Flow Canal Project from Sri Rama Sagar Project has been modified by an expansion of the Gouravelli Reservoir under the project in question without the consideration of the MoEF&CC for further amendment; therefore, it does amount to change in scope of the project, attracting the provisions of EIA Notification, 2006. Further, serious non-compliance of EC conditions has been observed wherein it has been found that none of the specific conditions were undertaken.
 - b. The Ministry issued a show cause notice to the Engineer In-Chief, Irrigation & CAD Department, Government of Telangana on account of changing the scope of the project without prior environmental clearance and non-compliance of environmental conditions.
6. It is submitted that the Hon'ble Tribunal, vide order dated 10.02.2022 disposed of the instant matter with the following directions:

"...3. Since the Ministry of Environment, Forests and Climate Change (MoEF& CC) has come to the conclusion on the basis of the material collected by them that the present project requires a further environmental



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clearance, the State of Telangana is restrained from proceeding with the project further till the proceedings initiated by the Ministry of Environment, Forests and Climate Change (MoEF& CC) is completed.

4. If the project proponent makes an application for including the change of scope and applies for Environmental Clearance (EC) the same should not be granted by way of an amendment to an existing EC and the entire process will have to be reassessed afresh.

5. Ministry of Environment, Forests and Climate Change (MoEF&CC) is also at liberty to conduct a further enquiry regarding the nature of damage caused and also the cost required for restoration of damage caused to the environment and reassessment of the compensation to be recovered from the State of Telangana.

6. The Ministry of Environment, Forests and Climate Change (MoEF&CC) is directed to complete the process of the enquiry as early as possible at any rate within a period of four months and submit the further action taken report before this Tribunal after the expiry of four months has to be fixed by this Tribunal..."

7. It is submitted that in compliance of the final order passed by this Hon'ble Tribunal following actions have been taken in this regard:

i. In compliance of the aforesaid order, the matter was taken before the EAC and the Ministry examined the response submitted by the Irrigation & CAD Department, Government of Telangana for Show-Cause notice in consultation with EAC (River Valley and Hydro-electric) and they were also called for personal hearing before EAC.



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- ii. The EAC meeting took place on 15th June, 2022 wherein after detailed deliberation it was observed by the EAC that *"based on fact submitted by the project proponent and report of the Joint Committee, it has been confirmed that the project involves violation and the project will be appraised by the EAC as per the Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006 mentioned in OM dated 7.07.2021. The EAC therefore, suggested the project proponent to submit the proposal a fresh at PARIVESH portal for terms of reference (ToR) under violation category."*

The copy of EAC meeting held on 15.06.2022 is annexed as **Annexure 1**.

- iii. The Notification S.O. No. 1886 (E) dated 20.04.2022, which states that irrigation projects, mentioned at Item no. 1 (c) of the Schedule to the EIA Notification, 2006, as amended, irrespective of its command area, are Category 'B' project and shall be appraised by State Environment Impact Assessment Authority (SEIAA), except for irrigation projects involving inter-state issues. Accordingly, the Engineer In-Chief, Indiramma Flood Flow Canal Project from Sri Rama Sagar Project with expansion of Gouravelli Reservoir, Irrigation & CAD Department of State of Telangana has submitted the proposal (No. SIA/TG/RIV/409365/2022) on 06.12.2022 titled as "expansion of Gouravelli reservoir, from 1.410 TMC to 8.23 TMC" before the State Environment Impact Assessment Authority (SEIAA) in compliance of the aforesaid order seeking Terms of Reference (ToR) for conducting EIA study under the provisions of EIA Notification, 2006, as amended in violation category. The State Expert Appraisal Committee (SEAC) i.e. the technical body of the SEIAA, Telangana has considered the



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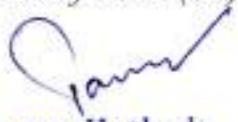
proposal in its 210th meeting held on 03.01.2023 and *inter-alia* recommended that:

"... The SEAC confirmed the project as a case of violation of the EIA Notification, 2006 and the project has to be considered in the terms of the provisions of the S.O.No.804 (E) dt.14.03.2017: S.O.1030 (E), dt.08.03.2018, and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 issued by the MoEF&CC. GoI w.r.t. SOP for identification and handling of violation cases under EIA Notification, 2006.

After detailed discussions, the proponent is directed to prepare EIA report, as per the Standard Terms of Reference (TORs) issued by the MoEF&CC. GoI for "1 (c) river valley projects" and following Additional Terms of Reference along with the Specific Terms of Reference w.r.t. violation as per S.O. No 804 (E) dt.14.03.2017 & S.O.1030 (E), dt. 08.03.2018 and OM dt. 07.07.2021 & 28.01.2022 undergo the process of Public Hearings (District wise) in consultation with TSPCB and submit final EIA report along with minutes of Public Hearings & response of the proponent to the issues emerged in the Public Hearings to the SEAC for appraisal.

Additional Terms of Reference:

- *Capacity table (1 mtr interval) with graphical representation.*
- *Details of submergence*
- *Details of development of greenbelt as per the Report of the Joint Committee constituted by the Hon'ble NGT. Chennai.*
- *Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT. Chennai..."*


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iv. Thereafter, accepting the recommendations of the SEAC, the State Level Environment Impact Assessment Authority (SEIAA) has accorded Standard ToR along with Public hearing and following specific and additional ToR to the project on 15.02.2023 in its meeting held on 04.02.2023 which inter alia includes the following:

- The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC (if Credible Action was not initiated).
- The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP followed by recommendations of the SEAC and approval of the regulatory authority. The proponent also shall pay penalty amount to be levied by SEIAA as per O.M. dated 07.07.2021.
- Assessment of ecological damage with respect to air, water land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.



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- Preparation of EMP comprising remediation plan and natural and community resource augmentation plants or responding to the ecological damage assessed and economic benefits derived due to violation.
- The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the ELA report by the accredited consultants.
- Funds shall be allocated for Corporate Environment Responsibility (CER) for various activities therein. The details of fund allocation and activities for CER shall be incorporated in the ELA/EMP report.
- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence
- Details of development of greenbelt as per the Report of the Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dated 10.02.2022 in O.A. No.180 of 2021 (SZ) of the Hon'ble NGT, Chennai.

Apart from the above the SEIAA has directed the project proponent to stop construction activity forthwith and to comply with the terms of provisions of the Gazette Notification S.O. No. 804 (E) dated 14.03.2017; S.O.1030 (E), dated 08.03.2018; and Office Memorandum dated 07.07.2021 issued by the MoEF&CC w.r.t. Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006. The copy of ToR dated 15.02.2023 is annexed as **Annexure- 2**.

- v. The SoP dated 07th July, 2021, for consideration of violation cases, involves two components:



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 Integrated Regional Office,
 Ministry of Environment Forest and Climate Change
 Aranya Bhavan, Hyderabad, Telangana-500 004.

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 Integrated Regional Office,
 Ministry of Environment Forest and Climate Change
 Aranya Bhavan, Hyderabad, Telangana-500 004.

[a] Ecological Damage assessment and restoration: Assessment of environmental / ecological damage with respect to air, water, noise, soil/land, flora & fauna, occupation health and other environmental attributes and preparation of Remediation plan.

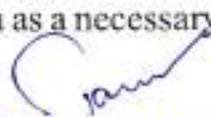
[b] Penalty on the basis of Polluter Pay Principle:

- Where operation has not commenced: 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs. 1 Cr]
- Where operations have commenced without EC: 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs. 1.25 Cr]

It is pertinent to mention here that as per the provisions contained in the Notification S.O. 1030 (E) dated 08.03.2018 and SoP issued by the MoEF&CC vide Office Memorandum dated 07.07.2021, the violation cases which lies under the jurisdiction of SEIAA shall be dealt/handled by SEIAA.

The copy of notification S.O. 1030 (E) dated 08.03.20218 and SoP vide Office Memorandum dated 07.07.2021 is annexed as **Annexure 3** and **Annexure 4** respectively.

vi. It is also humbly submitted that for additional information/ further clarification, if any, with regard to the project in question, the Hon'ble Tribunal is requested to implead the SEIAA, Telangana as a necessary party


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since it is the Competent Authority to carry out all the proceedings w.r.t grant of EC to the project in question.

vii. In light of the aforesaid mentioned facts of the matter, the action taken report may kindly be taken on record. It is submitted that the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.



Deponent

Tarun Kathula

Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004.

VERIFICATION

I, the above-named deponent do hereby solemnly affirm and state that the contents of the aforesaid are true and correct to my personal knowledge and have been derived from the official records maintained by the Respondent. No part of it is false nor has anything material been concealed therefrom.

Verified at Hyderabad on this 18th day of May, 2023.



Deponent

Tarun Kathula

Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004.

MINUTES OF THE 29TH MEETING OF THE EXPERT APPRAISAL COMMITTEE (EAC) ON ENVIRONMENTAL IMPACT ASSESSMENT (EIA) OF RIVER VALLEY AND HYDROELECTRIC PROJECTS HELD ON 15TH JUNE, 2022

The 29th Meeting of the EAC (River Valley and Hydroelectric Projects) organized by the Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi was held on 15th June, 2022 through video conference under the Chairmanship of Dr. K. Gopakumar. The list of Members participated in the meeting is at **Annexure**.

Agenda Item No.29.1:

Confirmation of the Minutes of the 23rd EAC meeting

The Minutes of the 28th EAC (River Valley and Hydroelectric Projects) meeting held on 31st May, 2022 were confirmed.

Agenda Item No. 29.2:

Kishau Multipurpose Project 660 MW (4x165 MW) and 97076 Ha, in Chakrata and Shillai tehsil, Dehradun and Sirmour, District of Uttarakhand and Himachal Pradesh by M/s Kishau Corporation Limited - Terms of Reference (TOR) - reg.

[Proposal No. IA/UK/RIV/276905/2022; F. No. J-12011/09/2021-IA.I(R)]

29.2.1 The proposal is for Terms of Reference to Kishau Multipurpose Project 660 MW (4x165 MW) and 97076 Ha, in Chakrata and Shillai tehsil, Dehradun and Sirmour, District of Uttarakhand and Himachal Pradesh by M/s Kishau Corporation Limited.

29.2.2 The details of the project submitted by project proponent and ascertained from the document submitted are mentioned below:-

- i. Kishau Dam Project envisaged the construction of a 236 m high concrete gravity dam alongwith a 660 MW capacity power house across the river Tons, a tributary to the river Yamuna, for harnessing the vast monsoon flow of river Tons by storing and utilizing the regulated release thereof, for irrigation and power generation.
- ii. A 236 m high Roller Compacted Concrete gravity dam across river Tons in district Dehradun to provide a gross storage of 1824 Mm³ live storage available for irrigation and power generation as well as for drinking water supply will be more then 1324 MCM throughout the life of the reservoir.
- iii. A spillway with total width of 127 m would be located in the dam body having 6 nos. bays each 17 m wide. The design discharge of spillway is 23019 m³/s. For energy dissipation, flip bucket type stilling basin with splitters has been provided.

- iv. Four intake structures in the body of dam with four off taking unit penstocks of 5.0 m dia each. A surface power house on the left bank of the river with installed capacity of 660 MW (4 x165 MW). Over ground 400 kV pothead yard on the left flank, near the toe of the dam.

29.2.3 The EAC during deliberations noted the following:

The proposal is for Terms of Reference to the project for Kishau Multipurpose Project 660 MW (4x165 MW) and 97076 Ha, in Chakrata and Shillai tehsil, Dehradun and Sirmaur, District of Uttarakhand and Himachal Pradesh by M/s Kishau Corporation Limited.

River Valley Projects are listed in S.N. 1(c) of Schedule of Environment Impact Assessment (EIA) Notification under Category 'A' and to be appraised at Central level in the Ministry.

The project proponent was not well prepared and was not able to give proper reply to the EAC regarding environmental sensitivity and other concerns related to ecological biodiversity. The EAC also took note on the Form-1 submitted on the PARIVESH portal, wherein, there is no details mentioned about the environmental sensitivity around the project site. The project proponent has not done study on alternate site analysis and no details submitted about the reservoir and command area.

29.2.4 The EAC after detailed deliberation decided to return the proposal in present form with the request to submit following information.

- (i) Submit report on alternate site analysis.
- (ii) Study report on impact of proposed project on forest and wildlife.
- (iii) Report on impact and benefits of the proposed project.
- (iv) Revised Form-1 to be submitted along with the details of environmental sensitivity around 10 km of the project site.

The proposal was therefore **returned** in present form.

Agenda Item No. 29.3:

Kopra Medium Irrigation Project (48.43 MCM) in an area of 1044.72 Ha at village Bagaspura Tehsil Rehli, District Sagar, Madhya Pradesh by M/s Water Resources Division No One Sagar – Terms of References (TOR) – reg.

[Proposal No. IA/MP/RIV/241400/2021; F. No. J-12011/07/2022- IA.I (R)]

The project proponent did not attend the meeting. The EAC therefore **deferred** the proposal.

Agenda Item No. 29.4:

OA No. 180 of 2021 (SZ) in the matter of Baddam Raji Reddy & others Vs Union of India and others before the National Green Tribunal Southern Zone, Chennai regarding change the scope of flood flow canal and Gouravelli reservoir by increasing the capacity of canals and reservoir from 1.410 TMCs to 8.23 TMCs under Re-engineering of Indiramma Flood Canal project in Siddipeta District of Telangana State.

29.4.1 The OA No. 180 of 2021 (SZ) in the matter of Baddam Raji Reddy & others Vs Union of India and others has been filed on 10.08.2020 before Hon'ble National Green Tribunal Southern Zone, Chennai as the Irrigation & CAD Department of State of Telangana, issued orders for expansion of Gouravelli Reservoir, situated in Siddipeta District, from 1.410 TMCs to 8.23 TMCs without obtaining the prior environmental clearance from the MoEF&CC. The application has been filed regarding the proposal of 'Re-engineering Indiramma Flood Canal Project' in Siddipeta District of State of Telangana to change the scope of flood flow canal and expansion of Gouravelli reservoir by increasing the capacity of canals and reservoir from 1.410 TMCs to 8.23 TMCs.

In this context, the Hon'ble NGT vide order dated 13.08.2021 constituted a Joint Committee and directed to conduct a site visit in order to find out whether there is any violation committed. Accordingly, the Joint Committee site visit was conducted by Dr E. Arockia Lenin, Scientist 'C', IRO, MoEF&CC, Hyderabad; Shri P. S. Kutiyal, Member, GRMB, Hyderabad and Shri M. Ramesh Kumar, Director, CWC, KGBO, Hyderabad on 22.09.2021 and filed the report on 29.09.2021. The Joint Committee Report was received in the Ministry on 24.11.2021. It was noted that as per the findings of the report, EIA Notification 2006 has been violated. It further mentions that Change in scope of project are reservoir capacity from 1.41 TMCft capacity to 8.23 TMCft, increase in the pump house capacity and feeder canal and the irrigation being envisaged to the same area. 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. Moreover, the scope of the project was also changed without obtaining necessary fresh appraisal and the committee also suggested a compensation of Rs. 2 Crores.

Further, the Ministry vide letter dated 07.01.2022 issued a Show Cause Notice to Flood Flow Canal project from Sri Rama Sagar District, Telangana and thereafter, an affidavit was filed on behalf of the MoEF&CC in the NGT, Chennai on 23.01.2022 in compliance of the NGT order dated 20.12.2021. In response of the same the project proponent vide letter No. ENC(G)/SE(P&M)/DCE(GB)/OT3/AEE7/NGT dated 27.01.2022 submitted response against the Show cause notice issued by the Ministry and following is stated:

"..... the environmental clearance is accorded to Flood Flow Canal project from SRSP to irrigate an ayacut of 2,20,000 acres with utilization of 20 TMC of flood water from Godavari river. Hence the enhanced capacity is well within the limits of the boundaries in which EIA was done and clearance was issued in 64th TAC meeting conducted in 1996 and 128th TAC meeting conducted in 2016. Further it

has also made submissions against the non-compliances as observed in the Joint Committee report dated 29.09.2021... ..”

29.4.2 Thereafter, the Hon'ble NGT vide final order dated 10.02.2022, disposed off the matter with following directions to the Ministry:

“..... 49. Under such circumstances, we feel that the application itself can be disposed as follows:-

The contention of the contesting respondent, namely, State of Telangana, that the application is not maintainable and barred by limitations is rejected and we hold that the application is maintainable and within limitation. Since the Ministry of Environment, Forests and Climate Change (MoEF&CC) has taken cognizance of the alleged violations said to have been committed by the State of Telangana and initiated proceedings under Section 5 of the Environment (Protection) Act, 1986 by issuing show cause notice, we feel that there is not necessity for this Tribunal to proceed with the matter and leave open the regulators to take appropriate action against the project proponent on the basis of the enquiry to be conducted by them which must also include revisiting on the question of environmental compensation considering the gravity of the violations committed, on account of the proceeding with the project by the project proponent and also the conduct of the project proponent both the present and past in respect of this project as well as other projects undertaken by them and violation of the EIA Notification, 2006, the nature of damage caused and cost of restoration required while assessing the environmental compensation and pass appropriate orders in accordance with law without much delay.

Since Ministry of Environment, Forests and Climate Change (MoEF& CC) has come to the conclusion on the basis of the material collected by them that the present project requires further environmental clearance, the State of Telangana is restrained from proceeding with the project further till the proceedings initiated by the Ministry of Environment, Forests and Climate Change (MoEF& CC) is completed. If the project proponent makes an application for including the change of scope and apply for Environmental Clearance (EC) the same should not be granted by way of an amendment for existing EC and the entire process will have to be reassessed afresh as has been observed by the Hon'ble Apex Court in (Key Stone Realtors Vs. Anil V. Tharthare (2020) 2 sec 66. Ministry of Environment, Forests and Climate Change (MoEF&CC) is also at liberty to conduct further enquiry regarding the nature of damage caused and also the cost required for restoration of damage caused to the environmental and reassess the compensation to be recovered from the State of Telangana. The Ministry of Environment, Forests and Climate Change (MoEF&CC) is directed to complete the process of the enquiry as early as possible at any rate within a period of four months and submit the further action taken report before this Tribunal after the expiry of four months has to be fixed by this Tribunal. As regards the remedy of the applicant regarding the non-availability of the benefits under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 to approach the appropriate authorities are left open. If the Rehabilitation and Resettlement (R & R) is also part of the conditions of Environment Clearance (EC), then Ministry of Environment, Forests and Climate Change (MoEF&CC) are also at liberty to consider those violations and necessary directions can be given in accordance with law to comply with those conditions by the project proponent and

take appropriate action if those conditions are not properly complied with on the basis of the further direction issued by the Ministry of Environment, Forests and Climate Change (MoEF&CC) in this regard.....

29.4.3 The EAC during deliberations observed that based on fact submitted by the project proponent and report of the Joint Committee, it has been confirmed that the project involves violation and the project will be appraised by the EAC as per the standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006 mentioned in OM dated 7.07.2021.

The EAC therefore, suggested the project proponent to submit the proposal a fresh at PARIVESH portal for terms of reference (ToR) under violation category.

ANNEXURE**ATTENDANCE**

Sr. No	Name & Address	Role	Attendance
1.	Dr. K. Gopakumar	Chairman	P
2.	Dr. N. Lakshman	Member	P
3.	Dr. A. K. Malhotra	Member	P
4.	Dr. UdayKumar R.Y.	Member	P
5.	Shri Sharvan Kumar	Member	P
6.	Dr.J. A. Johnson	Representative of WII	P
7.	Dr.A. K.Sahoo	Representative of CIFRI	P
8.	Shri Yogendra Pal Singh	Member Secretary	P
9.	Dr Saurabh Upadhyay	Scientist C, MoEF&CC	P

APPROVAL OF THE CHAIRMANFwd: draft MOM of the EAC (RVHEP) meeting held on 15.06.2022-reg. Yogendra Pal Singh via no.in
to me

12:27 PM (3 minutes ago)



From: krcpa@ic.ac.in**To:** "Yogendra Pal Singh" <yogendra3@nic.in>, jai@vni.gov.in, s@kumarmohitruhi3@gmail.com, "Amiya Sahoo" <amiya.sahoo@icar.gov.in>, arshad7@gmail.com, "CE EMO" <ceastroemot@nic.in>, "Majaketan Panigrahi" <bilavoketan.panigrahi@gmail.com>, "Chandrabas Deshpande" <chandrabas.deshpande@vsnl.net>, dhanrajshah@gmail.com, mahesh@itk.ac.in, hvard@rockmail.com, "In shreey" <in.shreey@unipol.edu>, ushankamano@yakeo.com, "Dr. Vijay Kumar" <vijay.kumar64@nic.in>, "Mukesh Saha" <siha.mukesh@nic.in>**Cc:** "Saurabh Upadhyay" <saurabh.upadhyay16@gmail.in>**Sent:** Sunday, June 26, 2022 6:27:22 PM**Subject:** Re: draft MOM of the EAC (RVHEP) meeting held on 15.06.2022-reg.

Dear Dr Yogendra
I think it is good and I approve it
Kindly get others opinions also.
With regards
Gopakumar

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Order No. SEIAA/TS/OL/SDPT-37/2022-

Dt:15.02.2023.

Sub: SEIAA – Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District – TORs [Violation] with Public Hearing issued – Reg.

- I. This has reference to your proposal No. SIA/TG/RIV/409365/2022, dt. 06.12.2022 (accepted on **16.12.2022**) submitted to the SEIAA, Telangana seeking Terms of Reference (ToR) in terms of the provisions of Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986. The project is for **Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District.**
- II. The proposal for grant of Terms of Reference (ToR) to the proposed project was considered by the State level Expert Appraisal Committee (SEAC) in its meeting held on **03.01.2023**. The SEAC observed the following:

The representative of the project proponent: Sri Shankar (Engineer in Chief), and Dr. Ramakrishna of M.s. FPTRI Hyderabad attended and made a presentation before the SEAC.

During presentation, the proponent informed the following:

- **Concept of IFFC project from SRSP is:**
 - Sri Ramasagar Project (SRSP) reservoir was commissioned in the year 1964-69 with a capacity of 112 TMC at Pachampad (V), Nizamabad district to irrigate an ayacut of 14.08 Lakh acres in Stage-I and Stage-II.
 - Flood Flow Canal project was proposed by the then Government of Andhra Pradesh envisaging diversion of balance surplus water available at SRSP reservoir after meeting the requirement of SRSP Stage-I&II.
 - The Head regulator was provided in the foreshore of SRSP for diversion of water from the said reservoir into the Flood Flow Canal.
 - The main aim of the Flood Flow Canal project is to irrigate an ayacut of 89,031 Ha (2,20,000 acres) in the upland drought prone areas of Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda and Jangaon (erstwhile districts of Karimnagar, Warangal and Nalgonda) districts in Telangana region duly utilising 20 TMC of flood water of Godavari river from the fore shore of SRSP reservoir.
- **Background of the project is:**
 - The Technical Advisory committee(TAC) of Central Water Commission (CWC) in its 64th meeting on 03.04.1996 approved the project components comprising the following three (3 Nos) reservoirs for an estimated cost of Rs.1331.30 Cr @ Price Level 1992-93
 - Combined Storage Reservoir-I (Storage Capacity : 7.346 TMC, Ayacut : 32,000 acres)
 - Mid Manair Reservoir (Storage Capacity : 25.873 TMC, Ayacut : 68,000 acres)
 - Gouravelly Reservoir (Storage Capacity : 1.095 TMC, Ayacut : 1,20,000 acres)
 - The then Government of Andhra Pradesh vide G.O. Ms. No. 209 dated 17.11.1997 deleted the combined storage reservoir-I across Peddavagu-II and Karutla vagu near Konaraopet(V), Karimnagar district with a storage capacity of 7.346 TMC to irrigate an ayacut of 12950Ha (32,000 Acres).

- The environmental clearance for the IFFC Project from SRSP was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003 to irrigate an ayacut of 2,20,000 acres duly utilizing 20 TMC of Flood water of Godavari river water from foreshore of Sriramsagar project
 - Mid Manair Reservoir – 25.873 TMC
 - Gouravelly Reservoir – 1.410 TMC
 - The statutory clearance w.r.t. the project are:
 - The Forest clearances for canals and reservoirs was accorded vide Lr. Ref. No. 50907/99/F.1, Dt: 14-03-2000 & 14.09.2000 respectively.
 - The Site clearance for investigation & survey was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.24.06.2002.
 - The Environmental clearance was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003.
 - The Rehabilitation and Resettlement clearance is received from the Govt. of India vide MOTA Lr. no.20011/4/2003- CP & R, Dt. 02-09-2004.
 - The Planning Commission (water Resources Division) accepted for investment in the State Plan with an estimated cost of Rs 1331.30 crores vide Lr.No.2 (322)/03-WR Dt: 08.12.2005
 - The details of Hon'ble NGT case w.r.t. the project are:
 - The Government of Telangana has accorded administrative approval for the Gouravelly reservoir project with enhanced capacity from 1.410 TMC to 8.23 TMC vide G.O.Ms. No. 533, I&CAD (Projects-IV) Department Dt: 26.05.2017 and 85% of work was completed by the time of NGT Case was filed.
 - The submerging villagers of Gouravelly reservoir had filed the case OA no 180 of 2021 on 10th August 2021 before the Hon'ble NGT (SZ), Chennai on the ground that the irrigation and CAD department of State of Telangana under the Re-engineering proposal issued orders for expansion of Gouravelly Reservoir from 1.410 TMC to 8.230 TMC without obtaining prior EC from Ministry.
 - The Joint Committee constituted by the NGT, Chennai was formed on 13th August 2021
 - Joint committee had a site visit on 23rd September 2021 and submitted a report on 29th September 2021 in which it has reported that the scope of the project has been changed without approval of MoEF & CC.
 - The committee has proposed an Environmental Compensation of Rs.2,05,31,250 (Rs.2.05 Crores) for Violation.
 - MoEF&CC issued show cause notice to I&CAD Department on 7th January 2022.
 - I&CAD submitted the replies to show cause notice on 27th January 2022.
 - NGT has disposed the case on 10th February 2022 duly directing the MoEF&CC to complete the process of enquiry and to submit the report in four months
 - EAC has scheduled a meeting on 15th June 2022 for the replies to show cause
 - Based on the EAC meeting the committee suggested a fresh proposal under violation category
- 29.4.3 The EAC during deliberations observed that based on fact submitted by the project proponent and report of the Joint Committee, it has been confirmed that the project involves violation and the project will be appraised by the EAC as per the standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006 mentioned in OM dated 07.07.2021.
- The EAC therefore, suggested the project proponent to submit the proposal a fresh at PARIVESH portal for terms of reference (TOR) under violation category.
 - Accordingly, the proponent submitted Form-I for TOR on 02.09.2022 at the MoEF&CC, Govt. But, the Ministry did not consider the proposal as the project becomes Category-B project as per S.O.1886(E), dt.20.04.2022. Hence, the proponent re-submitted the proposal for TOR to the SEIAA, TS on 06.12.2022.

The SEAC noted the details of the project as following:

- The Indiramma Flood Flow Canal Project (IFFC) envisages diversion of flood water from Sri Ramasagar Project (SRSP).
 - **Ayacut 89,031 ha.**
 - **Drought prone areas** erstwhile districts of Karimnagar, Warangal and Nalgonda (present districts Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda and Jangaon)
 - **Excess flood** – Once in four years
- The storage facilities for storing such flood plays major role in harnessing and conserving flood water.

The SEAC noted that the project components are:

➤ **Water conveyance system:**

- FFC Canal :122 km
- Reverse lift pump houses: 3 number
- MMR Canals:103.375 km
- Tunnel – 11.98 km
- Pump house – 3 x 32MW(3x19cumecs)
- Gouravelly Canals-63.725 km
- High Level Canals-20.845 Km

➤ **Reservoir:**

- Mid Manair Reservoir : 25.873 TMC
- Gouravelly reservoir : 8.23 TMC

➤ **Distributory network system:**

- MMR Command Area – 40,470 ha (1,00,000 acres)
- Gouravelly Command Area – 48,561 ha (1,20,000 acres) in Karimnagar, Siddipet, Hanumakonda and Jangaon Districts.

The SEAC noted that the command area of 89,031 Ha falls in the Districts of Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda & Jangaon

During presentation, the proponent informed the following w.r.t. Expansion of Gouravelly Reservoir Project:

- The Sriramsagar project was designed with a capacity of 112 TMC. But due to heavy siltation the effective storage capacity is decreased to 90 TMC, increasing the untapped flood water. In this context it is also on edge to have more storage capacity for tapping such flood.
- The excess flood as per the data available occurs once in every four years in SRSP. The storage facilities for storing such flood plays major role in harnessing and conserving flood water.
- After formation of Telangana state the Government has reviewed the existing irrigation project and as a part of effective utilisation of water allocation and to compensate the storage lost due to **deletion of Combined Storage Reservoir (7.346 TMC)** near Konaropet (V), an alternate proposal of increasing the **Gouravelly reservoir capacity from 1.409 TMC to 8.230 TMC** has been proposed.

The SEAC confirmed the project as a case of violation of the EIA Notification, 2006 and the project has to be considered in the terms of provisions of the S.O.No.804 (E) dt 14.03.2017; S.O.1030 (E), dt.08.03.2018; and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 issued by the MoEF&CC, Govt w.r.t. SOP for identification and handling of violation cases under EIA Notification, 2006.

After detailed discussions, the proponent is directed to prepare EIA report, as per the Standard Terms of Reference (TORs) issued by the MoEF&CC, Govt for "1 (c) river valley projects" and following Additional TORs along with the Specific Terms of Reference w.r.t. violation as per S.O.No.804 (E) dt.14.03.2017 & S.O.1030 (F), dt.08.03.2018 and OM dt. 07.07.2021 & 28.01.2022 undergo the process of Public Hearings (District wise) in consultation with TSPCB and submit final EIA report along with minutes of Public Hearings & response of the proponent to the issues emerged in the Public Hearings to the SEAC for appraisal.

Additional TORs:

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT, Chennai

- III. Accordingly, the proposal along with recommendations of SEAC, Telangana was examined by the State level Environment Impact Assessment Authority (SEIAA) in its meetings held on 04.02.2023 and observed the following:

The SEIAA discussed the recommendations of the SEAC in detail and noted that the proponent has started project activity without obtaining EC and violated EIA Notification, 2006.

However, approved the project for issue of TORs (Violation) with public hearing. The proponent is directed to stop the activity forthwith and shall comply with the MoEF&CC, Govt (OM No22-21 /2020-IA,III dt.07.07.2021). The proponent shall prepare EIA report as per the Standard Terms of Reference (TORs) issued by the MoEF&CC, Govt for "I (c) river valley projects" and following Additional TORs.

- Capacity table (1 mtr interval) with graphical representation
- Details of submergence
- Details of development of greenbelt as per the Report of the Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt 10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT Chennai

- IV. In view of the above, the SEIAA, Telangana hereby accords **Tolls with public hearing to the project** for preparation of the Environment Impact Assessment (EIA) Report and Environment Management Plan (EMP). The TORs and general guidelines for preparation of EIA & EMP report are as following:

STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT IMPACT ASSESSMENT STUDY FOR RIVER VALLEY PROJECTS & IRRIGATION PROJECTS AND INFORMATION TO BE INCLUDED IN EIA/EMP REPORT.

A. Scope of EIA Study

The EIA Report should identify the relevant environmental concerns and focus on potential impacts that may change due to the construction of proposed project. Based on the baseline data collected for three (3) seasons (Pre-monsoon, Monsoon and Winter seasons), the status of the existing environment in the area and capacity to bear the impact on this should be analysed. Based on this analysis, the mitigation measures for minimizing the impact shall be suggested in the EIA/EMP study

B. Details of the Project and Site

- 1 General introduction about the proposed project
- 2 Details of Project and site giving L Sections of all U/S and D/S Projects with all relevant maps and figures. Connect such information as to establish the total length of Interference of Natural River and the committed unrestricted release from the site of Dam/Barrage into the main river
- 3 A map of boundary of the project site giving details of protected areas in the vicinity of 25 km of project location
- 4 Location details on a map of the project area with contours indicating main project features. The project layout shall be superimposed on a contour map of ground elevation showing main project features (viz. location of dam, Head works, main canal, branch canals, quarrying etc.) shall be depicted in a scaled map
- 5 Layout details and map of the project along with contours with project components clearly marked with proper scale maps of at least 1:50,000 scale and printed at least on A3 scale for clarity
- 6 Existence of National Park, Sanctuary, Biosphere Reserve etc. in the study area, if any, should be detailed and presented on a map with distinct distances from the project components
- 7 Drainage pattern and map of the river catchment up to the proposed project site.

- 8 Delineation of critically degraded areas in the directly draining catchment on the basis of Silt Yield Index as per the methodology of Soil and Land use Survey of India
- 9 Soil characteristics and map of the project area
- 10 Geological and Seismo-tectonic details and maps of the area surrounding the proposed project site showing location of dam site and canal sites
- 11 Remote Sensing studies, interpretation of satellite imagery, topographic sheets along with ground verification shall be used to develop the land use/land cover pattern of the study using overlaying mapping techniques viz Geographic Information System (GIS), False Color Composite (FCC) generated from satellite data of project area
- 12 Land details including forests, private and other land
- 13 Demarcation of snow fed and rain fed areas for a realistic estimate of the water availability

C. Description of Environment and Baseline Data

- 1 To know the present status of environment in the area, baseline data with respect to environmental components air, water, noise, soil, land and biology & biodiversity (flora & fauna), wildlife, socioeconomic status etc. should be collected within 10 km radius of the main components of the project/site i.e. dam site and power house site. The air quality and noise are to be monitored at such locations which are environmentally & ecologically more sensitive in the study area. The baseline studies should be collected for 3 seasons (Pre-Monsoon, Monsoon and Post Monsoon seasons)
- 2 Flora-Fauna in the catchment and command area should be documented. The study area should comprise of the following:
 - a Catchment area up to the dam/barrage site
 - b Submergence Area
 - c Project area or the direct impact area should comprise of area within 10 km radius of the main project components like dam, canals etc

D. Details of the Methodology

The methodology followed for collection of base line data along with details of number of samples and their locations in the map should be included. Study area should be demarcated properly on the appropriate scale map. Sampling sites should be depicted on map for each parameter with proper legends. For Forest Classification, Champion and Seth (1968) methodology should be followed

E. Methodology for Collection of Biodiversity Data

- 1 The number of sampling locations should be adequate to get a reasonable idea of the diversity and other attributes of flora and fauna. The guiding principles should be the size of the study area (larger area should have larger number of sampling locations) and inherent diversity at the location, as known from secondary sources (e.g. eastern Himalayan and low altitude sites should have a larger number of sampling locations owing to higher diversity).
- 2 The entire area should be divided in grids of 5kmX5km preferably on a GIS domain. There after 25% of the grids should be randomly selected for sampling of which half should be in the directly affected area (grids including project components such as reservoir, dam, powerhouse, tunnel, canal etc.) and the remaining in the rest of the area (areas of influence in 10 km radius from project components). At such chosen location, the size and number of sampling units (e.g. quadrates in case of flora/transects in case of fauna) must be decided by species area curves and the details of the same (graphs and cumulative number of species in a tabulated form) should be provided in the EIA report. Some of the grids on the edges may not be completely overlapping with the study area boundaries. However, these should be counted and considered for selecting 25% of the grids. The number of grids to be surveyed may come out as a decimal number (i.e. it has an integral and a fractional part) which should be rounded to the next whole number.
- 3 The conventional sampling is likely to miss the presence of rare, endangered and threatened (r.e.t.) species since they often occur in low densities and in case of faunal species are usually secretive in behaviour. Reaching the conclusion about the absence of such species in the study area based on such methodology is misleading. It is very important to document the status of such species owing to their high conservation value. Hence likely presence of such species should be ascertained from secondary sources by a proper literature survey for the said area including referring to field guides which are now available for many taxonomic groups in India. Even literature from studies/surveys in the larger landscapes which include the study area for the concerned project must be referred to, since most species from adjoining catchments is likely to be present in the catchments in question. In fact such literature from the entire state can be referred to. Once a listing of possible r.e.t. species from the said area is developed, species specific methodologies should be adopted to ascertain their presence in the study area which

would be far more conclusive as compared to the conventional sampling. If the need be, modern methods like camera trapping can be resorted to, particularly for areas in the eastern Himalayas and for secretive/nocturnal species. A detailed listing of the literature referred to, for developing lists of r.e.t. species should be provided in the EIA reports. The conventional sampling is likely to miss the presence of rare, endangered and threatened (r.e.t.) species since they often occur in low densities and in case of faunal species are usually secretive in behaviour. Reaching the conclusion about the absence of such species in the study area based on such methodology is misleading. It is very important to document the status of such species owing to their high conservation value. Hence likely presence of such species should be ascertained from secondary sources by a proper literature survey for the said area including referring to field guides which are now available for many taxonomic groups in India. Even literature from studies/surveys in the larger landscapes which include the study area for the concerned project must be referred to, since most species from adjoining catchments is likely to be present in the catchments in question. In fact such literature from the entire state can be referred to. Once a listing of possible r.e.t. species from the said area is developed, species specific methodologies should be adopted to ascertain their presence in the study area which would be far more conclusive as compared to the conventional sampling. If the need be, modern methods like camera trapping can be resorted to, particularly for areas in the eastern Himalayas and for secretive/nocturnal species. A detailed listing of the literature referred to, for developing lists of r.e.t. species should be provided in the EIA reports.

- 4 The R.E.T. species referred to in this point should include species listed in Schedule I and II of Wildlife (Protection) Act, 1972 and those listed in the red data books (BSI, ZSI and IUCN).

F. Components of the EIA Study

Various aspects to be studied and provided in the EIA/EMP report are as follows:

I. Physical and Chemical Environment

1 Geological & Geophysical Aspect and Seismo- Tectonics:

- a Physical geography, Topography, Regional Geological aspects and structure of the Catchment
- b Tectonics, seismicity and history of past earthquakes in the area. A site specific study of the earthquake parameters will be done. The results of the site specific earthquake design shall be sent for approval of the NCSDP (National Committee of Seismic Design Parameters, Central water Commission, New Delhi) for large dams
- c Landslide zone or area prone to landslide existing in the study area should be examined
- d Presence of important economic mineral deposit, if any
- e Justification for location & execution of the project in relation to structural components (dam /barrage height)
- f Impact of project on geological environment.

2 Meteorology, Air and Noise:

- a Meteorology (viz. Temperature, Relative humidity, wind speed/direction etc.) to be collected from nearest IMD station
- b Ambient Air Quality with parameters viz. Suspended Particulate Matter (SPM), Respirable Suspended Particulate Matter (RSPM) i.e. suspended particulate materials < 10 microns, Sulphur dioxide (SO₂) and Oxides of Nitrogen (NO_x) in the study area at 5-6 Locations
- c Existing Noise Levels and traffic density in the study area at 5-6 Locations.

3 Soil Characteristics:

Soil classification, physical parameters (viz., texture, Porosity, Bulk Density and water holding capacity) and chemical parameters (viz. pH, electrical conductivity, magnesium, calcium, total alkalinity, chlorides, sodium, potassium, organic carbon, available potassium, available phosphorus, SAR, nitrogen and salinity, etc.) at @ one sample/1000 ha of command area.

4 Remote Sensing and GIS Studies:

- a Generation of thematic maps viz. slope map, drainage map, soil map, land use and land cover map, etc. Based on these, thematic maps, an erosion intensity map should be prepared.
- b New configuration map to be given in the EIA Report

5 Water Quality:

- a History of the ground water table fluctuation in the study area.

- b Water Quality for both surface water and ground water for (i) Physical parameters (pH, Temperature, Electrical Conductivity, TSS); (ii) Chemical parameters (Alkalinity, Hardness, BOD, COD, NO₃, PO₄, Cl, SO₄, Na, K, Ca, Mg, Silica, Oil & grease, phenolic compounds, residual sodium carbonate);(iii) Bacteriological parameter (MPN, Total coliform); and (iv) Heavy Metals (Pb, As, Hg, Cd, Cr₆, Total Cr, Cu, Zn, Fe) at minimum 10 Locations, however, the sampling numbers should be increased depending on the command area
- c Delineation of sub and micro watersheds, their locations and extent based on the Soil and Land Use Survey of India (SLUSOI), Department of Agriculture, Government of India. Erosion levels in each micro-watershed and prioritization of micro-watershed through Silt Yield Index (SYI) method of SLUSOI

II Water Environment & Hydrology:

- a Hydro-Meteorology of the project viz. precipitation (snowfall, rainfall), temperature, relative humidity, etc. Hydro-meteorological studies in the catchment area should be established along-with real time telemetry and data acquisition system for inflows monitoring
- b Run off, discharge, water availability for the project, sedimentation rate, etc
- c Basin characteristics
- d Catastrophic events like cloud bursts and flash floods, if any, should be documented.
- e For estimation of Sedimentation Rate, direct sampling of river flow is to be done during the EIA study. The study should be conducted for minimum one year. Actual silt flow rate to be expressed in ha-m km² year⁻¹.
- f Set up a G&D monitoring station and a few rain gauge stations in the catchment area for collecting data during the investigation.
- g Flow series, 10 daily with 90%, 75% and 50% dependable years discharges.
- h Environmental flow release should be 20% of the average of the 4 lean months of 90% dependable year (MAF) during the lean season and 30% of Monsoon flow during monsoon season. For remaining months, the flow shall be decided by the Committee based on the hydrology and available discharge.
- i A site specific study on minimum environment flow should be carried out.

III Biological Environment:

- 1 Flora
 - a Characterization of forest types (as per Champion and Seth method) in the study area and extent of each forest type as per the Forest Working Plan.
 - b General vegetation profile and floral diversity covering all groups of flora including Bryophytes, Pteridophytes, Lichens and Orchids. A species wise list may be provided
 - c Assessment of plant species with respect to dominance, density, frequency, abundance, diversity index, similarity index, importance value index (IVI), Shannon Weiner Index etc. of the species to be provided. Methodology used for calculating various diversity indices along with details of locations of quadrats, size of quadrats etc. to be reported within the study area in different ecosystems
 - d Existence of National Park, Sanctuary, Biosphere Reserve etc in the study area, if any, should be detailed.
 - e Economically important species like medicinal plants, timber, fuel wood etc.
 - f Details of endemic species found in the project area
 - g Flora under RET categories should be documented using International Union for the Conservation of Nature and Natural Resources (IUCN) criteria and Botanical Survey of India's Red Data list along with economic significance. Species diversity curve for RET species should be given
- 2 Fauna:
 - a Fauna study and inventerisation should be carried out for all groups of animals including reptiles.
 - b and nocturnal animals in the study area. Their present status along with Schedule of the species
 - c Information (authenticated) on Avi-fauna and wild life in the study area
 - d Status of avifauna their resident/migratory/ passage migrants etc.
 - e Documentation of butterflies, if any, found in the area
 - f Details of endemic species found in the project area

- g RET species- voucher specimens should be collected along with GPS readings to facilitate rehabilitation. RET faunal species to be classified as per IUCN Red Data list and as per different schedule of Indian Wildlife (Protection) Act, 1972
 - h Existence of barriers and corridors, if any, for wild animals
 - i Compensatory afforestation to compensate the green belt area that will be removed, if any, as part of the proposed project development and loss of biodiversity
 - j For categorization of sub-catchments into various erosion classes and for the consequent CAT plan, the entire catchment (Indian Portion) is to be considered and not only the directly the draining catchment
- IV Aquatic Ecology:**
- a Documentation of aquatic fauna like macro-invertebrates, zooplankton, phytoplankton, benthos, periphyton particularly on the rock substratum, so that this could reflect the food and feeding of grazing fish species
 - b Fish and fisheries, fish migration, migratory path elimination and seasonal migration pattern and breeding and spawning grounds
 - c Fish diversity composition and maximum length & weight of the measured populations and migratory behaviour to be studied for estimation of environmental flow
 - d Conservation status of aquatic fauna/fish and benthic communities
 - e Sampling for aquatic ecology and fisheries and fisheries must be conducted during three seasons Pre-monsoon (summer), monsoon and winter. Sizes (length & weight) of important fish species need to be collected and breeding and feeding grounds should also be identified along the project site or in vicinity.
- V Irrigation and Cropping:**
- a Cropping pattern and Horticultural practices in the study area
 - b Collection of primary data on agricultural activity, crop and their productivity and irrigation facilities component
 - c Component of pressurized/drip irrigation and micro irrigation
 - d Details of Conjunctive use of water for irrigation
- VI Socio-Economic:**
- a Collection of Baseline data on human settlements, health status of the community and existing infrastructure facilities for social welfare including sources of livelihood, job opportunities and safety and security of workers and surrounding population
 - b Collection of information with respect to social awareness about the developmental activity in the area and social welfare measures existing and proposed by project proponent
 - c Collection of information on sensitive habitat of historical, cultural and religious and ecological importance
 - d The Socio-economic survey/profile within 10 Km of the study area for Demographic profile
 - e Economic Structure; Development Profile; Agricultural Practices; Infrastructure, education facilities; health and sanitation facilities; available communication network etc.
 - f Documentation of Demographic, Ethnographic, Economic structure and development profile of the area
 - g Information on Agricultural practices, Cultural and aesthetic sites, Infrastructure facilities etc
 - h Information on the dependence of the local people on minor forest produce and their cattle grazing rights in the forest land.
 - i List of all the Project Affected Families with their names, education, land holdings, other properties, occupation, source of income, land and other properties to be acquired, etc
 - j In addition to Socio-economic aspects of the study area, a separate chapter on socio-cultural aspects based upon study on Ethnography of the area should be provided
- G Impact Prediction and Mitigation Measures**
- The adverse impact due to the proposed project should be assessed and effective mitigation steps to abate these impacts should be described

- 1 **Air Environment**
 - a Changes in ambient and ground level concentrations due to total emissions from point, line and area sources
 - b Effect on soils, material, vegetation and human health
 - c Impact of emissions from DG sets used for power during the construction, if any, on air environment
 - d Pollution due to fuel combustions in equipments & vehicles
 - e Fugitive emissions from various sources.
 - f Impact on micro climate
- 2 **Water Environment**
 - a Changes in surface & ground water quality
 - b Steps to develop pisci-culture and recreational facilities
 - c Changes in hydraulic regime and down stream flow.
 - d Water pollution due to disposal of sewage.
 - e Water pollution from labour colony/camps and washing equipment.
- 3 **Land Environment**
 - a Changes in land use/land cover and drainage pattern
 - b Immigration of labour population
 - c Quarrying operation and muck disposal.
 - d Changes in land quality including effects of waste disposa
 - e River bank and their stability
 - f Impact due to submergence
 - g Adverse impact on land stability, catchment of soil erosion, reservoir sedimentation and spring flow (if any) [a] due to considerable road construction/widening activity [b] interference of reservoir with the inflowing streams [c] blasting for excavation of canals and some other structures
- 4 **Biological Environment**
 - a Impact on forests, flora, fauna including wildlife, migratory avi-fauna, rare and endangered species, medicinal plants etc
 - b Pressure on existing natural resources
 - c Deforestation and disturbance to wildlife, habitat fragmentation and wild animal's migratory corridors
 - d Compensatory afforestation -identification of suitable native tree species for compensatory afforestation & green belt
 - e Impact on fish migration and habitat degradation due to decreased flow of water
 - f Impact on breeding and nesting grounds of animal and fish
- 5 **Socio-economic aspects**
 - a Impact on local community including demographic profile
 - b Impact on socio-economic status.
 - c Impact on economic status
 - d Impact on human health due to water / vector borne disease
 - e Impact on increases traffic
 - f Impact on Holy Places and Tourism.
 - g Impacts of blasting activity during project construction which generally destabilize the land mass and lead to landslides, damage to properties and drying up of natural springs and cause noise pollution, will be studied. Proper record shall be maintained of the base line information in the post project period
 - h Positive as well as negative impacts likely to be accrued due to the project are to be listed
 - i Positive and negative impacts likely to be accrued due to the project are listed
- H **Environment Impact Analysis**

Environmental Impact Analysis due to the project on the above mentioned components should be carried out for construction and operation phases using qualitative or quantitative methods.
- I **Environmental Management Plan**

Environmental Management Plan aimed at minimizing the negative impacts of the project should be given in detail. The mitigation measures are to be presented for all the likely adverse impacts on the environment. The following suggestive mitigating plans should be included

1 Biodiversity Management Plan

- a Biodiversity and Wild Life Conservation & Management Plan for conservation and preservation of endemic, rare and endangered species of flora and fauna to be prepared in consultation with State Forest Department
- b Compensatory Afforestation in lieu of the forest land required for the project needs to be proposed. Choice of plants should be made in consultation with State Forest Department including native and R&T species, if any
- c Fish suitable based passages (Fish passes/Natural bypass) must be included in the plan. This plan must be a scientific based study (seasonal migration) from the Fisheries Research Institute having experience in fish pass studies
- d Fisheries Conservation & Management Plan-Fish fauna inhabiting the affected stretch of river, a specific fisheries management plan should be prepared for river and reservoir
- e Plan for Green Belt Development along the periphery of reservoir, colonies, approach road, canals etc. to be prepared in consultation with the State Forest Department. Local plant species suitable for greenbelt development should be selected
- f Environmental Monitoring Programme with physical & financial details covering all the aspects of EMP. A summary of cost estimate for all the plans, cost for implementing all Environmental Management Plans including the cost for implementing environmental monitoring programme should be given. Provision for an Environmental Management Cell should be made.

2 Disaster Management Plan

- a Catchment Area Treatment (CAT) Plan should be prepared micro-watershed wise. Identification of area for treatment based upon Remote Sensing & GIS methodology and Silt Yield Index (SYI) method of SLUSOI coupled with ground survey. Areas/watersheds falling under 'very severe' and 'severe' erosion categories are required to be treated. Both biological and engineering measures should be proposed in consultation with State Forest Department. Year-wise schedule of work and monetary allocation should be provided. CAT plan is to be completed prior to reservoir impoundment. Mitigation measures to check shifting cultivation in the catchment area with provision for alternative and better agricultural practices should be include
- b Study of Design Earthquake Parameters: A site specific study of earthquake parameters should be done. The results of the site specific earth quake design parameters should be approval by National Committee of Seismic Design Parameters, Central Water Commission (NCSDP), New Delhi
- c Dam Break Analysis and Disaster Management Plan: The outputs of Dam Break Model should be illustrated with appropriate graphs and maps clearly bringing out the impact of Dam break scenario. Provision for early warning systems should be provided
- d Reservoir Rim Treatment Plan for stabilization of land slide/land slip zones if any, around the reservoir periphery to be prepared. Suitable engineering and biological measures for treatment of the identified slip zones to be provided with physical and financial schedule
- e Muck Disposal Plan- suitable sites for dumping of excavated material should be identified in consultation with the State Pollution Control Board and Forest Department. All Muck disposal sites should be minimum 30 m away from the HFL of river. Plan for rehabilitation of muck disposal sites should also be given. The L-section/ cross section of muck disposal sites and approach roads to be given. Financial out lay for this may be given separately. Detailed muck transportation plan delineating the path ways, number of trucks, quantity of muck to be transported along with monitoring mechanism using latest technology, shall be prepared
- f Plan for Restoration of quarry sites and landscaping of colony areas, working areas, roads, etc.
- g Command Area Development (CAD) Plan giving details of implementation schedule with a sample CAD plan

- h. In the EMP, also include a sample CAD plan for a distributary outlet command. Such a plan is to show the alignment of irrigation and drainage channels. The components of the OFD works to be undertaken may be clearly mentioned along with a time schedule for their completion vis-à-vis the progress of irrigation development
- i. Mitigating measures for impacts due to Blasting on the structures in the vicinity
- 3 Socio-economic aspects**
 - a. A detailed CER plan along with activities wise break up of financial commitment shall be prepared in terms of the provisions OM No. 22-65/2017-IA,III dated 30.09.2020. CER component shall be identified considering need based assessment study and Public Hearing issues. Sustainable income generating measures which can help in upliftment of affected section of society, which is consistent with the traditional skills of the people shall be identified.
 - b. While formulating CER schemes it shall be ensured that an in-built monitoring mechanism for the schemes identified are in place and mechanism for conducting annual social audit from the nearest government institute of repute in the region shall be prepared. The project proponent shall also provide Action Plan for the status of implementation of the scheme from time to time and dovetail the same with any Govt. scheme(s). CER details done in the past should be clearly spelt out in case of expansion projects
 - c. Resettlement and Rehabilitation (R&R) Plan need to be prepared with due consultation with Project Affected Families (PAFs). The provision of the R&R plan should be according to the National Resettlement and Rehabilitation Policy (NRRP-2007) as well as State Resettlement and Rehabilitation Policy. Detailed budgetary estimates are to be provided. Resettlements sites should be identified
 - d. Public Health Delivery Plan including the provisions for drinking water facility for the local community
 - e. Local Area Development Plan to be formulated in consultation with the Revenue Officials and Village Panchayats. Local skill development schemes should be given. Details of various activities to be undertaken along with its financial out lay should be provided
 - f. Labour Management Plan for their Health and Safety
 - g. Sanitation and Solid Waste Management Plan for domestic waste from colonies and labour camps etc
 - h. Plan for Land Restoration and Landscaping of project sites.
- 4 Miscellaneous**
 - a. Energy Conservation Measures..
 - b. Environmental safeguards during construction activities including Road Construction
 - c. Ground Water Management Plan
 - d. Water and Air Quality & Noise Management Plans to be implemented during construction and post construction periods.

In the EMP, also include a sample CAD plan for a distributary outlet command. Such a plan is to show the alignment of irrigation and drainage channels. The components of the OFD works to be undertaken may be clearly mentioned along with a time schedule for their completion vis-à-vis the progress of irrigation development

GENERAL GUIDELINES:

- i. The EIA document shall be printed on both sides, as far as possible.
- ii. All documents should be properly indexed, page numbered.
- iii. Period/date of data collection should be clearly indicated.
- iv. Authenticated English translation of all material in Regional languages should be provided.
- v. The letter/application for EC should quote the MOEF&CC file No. and also attach a copy of the letter prescribing the TOR.

- vi. The copy of the letter received from the SEIAA on the TOR prescribed for the project should be attached as an annexure to the final EIA-EMP Report.
- vii. The final EIA-EMP report submitted to the SEIAA must incorporate the issues mentioned in TOR including action plan on the issues emerged during EPH. The index of the final EIA-EMP report, must indicate the specific chapter and page No. of the EIA-EMP Report where the specific TOR prescribed by SEIAA. Questionnaire related to the project (posted on MoEF&CC website) with all sections duly filled in shall also be submitted at the time of applying for EC.
- viii. Grant of ToR does not mean grant of EC.
- ix. The status of accreditation of the EIA consultant with NABET/QCI shall be specifically mentioned. The consultant shall certify that his accreditation is for the sector for which this EIA is prepared.
- x. On the front page of EIA/EMP reports, the name of the consultant/consultancy firm along with their complete details including their accreditation, if any shall be indicated. The consultant while submitting the EIA/EMP report shall give an undertaking to the effect that the prescribed ToRs (ToR proposed by the project proponent and additional ToR given by the MoEF&CC) have been complied with and the data submitted is factually correct (Refer MoEF&CC Office memorandum dated 4th August, 2009).
- xi. While submitting the EIA/EMP reports, the name of the experts associated with/involved in the preparation of these reports and the laboratories through which the samples have been got analysed should be stated in the report. It shall clearly be indicated whether these laboratories are approved under the Environment (Protection) Act, 1986 and the rules made there under (Please refer MoEF&CC Office Memorandum dated 4th August, 2009). The project leader of the EIA study shall also be mentioned.
- xii. All the ToR points as presented before the State Expert Appraisal Committee (SEAC) shall be covered.

Specific Terms of Reference:

- *The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC (if Credible Action was not initiated).*
- *The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority. The proponent also shall pay penalty amount to be levied by SEIAA as per O.M. dt: 07.07.2021.*
- *Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.*
- *Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.*
- *The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.*
- *Funds shall be allocated for Corporate Environment Responsibility (CER) for various activities therein. The details of fund allocation and activities for CER shall be incorporated in the EIA/EMP report.*

- xiii. The above ToR should be considered for preparation of EIA Report in addition to all the relevant information as per the 'Generic Structure of EIA' given in Appendix III and IIIA in the EIA Notification, 2006 & its subsequent amendments.
- xiv. The consultants involved in preparation of EIA/EMP report after accreditation with Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other Organization(s)/ Laboratories including their status of approvals etc., vide Notification dt. 19.07.2013 of the MoEF&CC.
- xv. The project proponent shall submit the detailed final EIA/EMP prepared as per ToRs, to the SEIAA for considering the proposal for Environmental Clearance within 4 years, as per the O.M. No J-11013-41/2006-IA-11(1) (P) dt. 08.10.2014 of the MoEF&CC, GoI
- xvi. The project proponent should stop construction activity forthwith and shall also comply with the terms of the provisions of the S.O.No.804 (F) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018; and O.M. dt. 07.07.2021 issued by the MoEF&CC, GoI w.r.t. SOP for identification and handling of violation cases under EIA Notification, 2006.
- xvii. The prescribed ToRs would be valid for a period of (5) five years as per the O.M. No.1A3-22/10/2022-IA-III (E 177258) (P) dt. 08.06.2022 of the MoEF&CC, GoI for submission of the EIA/EMP Reports.

Additional TORs:

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (S2) of the Hon'ble NGT, Chennai

Sd/-
MEMBER SECRETARY
SEIAA, T.S.

Sd/-
MEMBER
SEIAA, T.S.

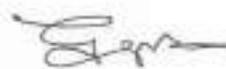
Sd/-
CHAIRMAN,
SEIAA, T.S.

To
Srl. B. Shankar, Engineer-in-Chief, (Irrigation),
Indiramma Flood Flow Canal Project from
Sri RamaSagar Project with expansion of
Gouravelly Reservoir,
LMD Colony, Karimnagar, Telangana- 505527
Ph.No: +91 90004 69450
Email:ene-knr-icad@telangana.gov.in

Copy to :

1. Prof. Ch. Krishna Reddy, Chairman, SEAC, T.S. for kind information.
2. The Member Secretary, TSPCB for kind information.
3. The EE, RO: SRD-II, TSPCB for information.
4. The IRD, MoEF&CC, GoI, Hyderabad for kind information.
5. The Director of Mines & Geology Dept., Hyderabad for kind information
6. The Secretary, MoEF&CC, GoI, New Delhi for kind information

//T.C.F.B.O.//



JOINT CHIEF ENVIRONMENTAL ENGINEER



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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अधिसूचना

नई दिल्ली, 8 मार्च, 2018

का.आ.1030(अ).—पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने अधिसूचना सं. का.आ. 804(अ), तारीख 14 मार्च, 2017 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) द्वारा पर्यावरणीय अनापत्ति और निदेश निवृत्तियों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन के लिए प्रक्रिया अधिसूचित की है, जिसमें स्थल पर पर्यावरण ममाघात अधिसूचना 2006 [का.आ. 1533(अ), तारीख 14 दिसंबर, 2006] के अधीन तथा आज्ञापक पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना पर्यावरणीय अनापत्ति के परे उत्पादन का विस्तार या उत्पादन मिथण में परिवर्तन का कार्य आरंभ कर दिया है।

और पर्यावरण, वन और जलवायु परिवर्तन (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) उक्त अधिसूचना में, अन्य बातों के साथ, पैरा 13 के उपपैरा (2) द्वारा निदेश दिया है कि उस दशा में, जब पर्यावरण ममाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप सतिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिथण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और ऐसे मामलों में यहाँ तक कि प्रवर्ग ख की परियोजनाएं, जिन्हें पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित राज्य पर्यावरण मंघान निर्धारण प्राधिकरण द्वारा पर्यावरणीय अनापत्ति अनुदत्त की गई है, का पर्यावरणीय अनापत्ति अनुदत्त करने के लिए विशेषज्ञ मूल्यांकन समिति द्वारा ही मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केन्द्रीय स्तर पर अनुदत्त की जाएगी।

और मंत्रालय को उक्त अधिसूचना के अनुमरण में प्रवर्ग 'क' और प्रवर्ग 'ख' के अंतर्गत आने वाले सभी संकरों में विचार करने के लिए अनेक प्रस्ताव प्राप्त हुए हैं।

और मंत्रालय को लोक प्रतिनिधित्वों तथा औद्योगिक संगमों में अभ्वावेदन प्राप्त हुए हैं जिनमें कार्यचालन संबंधी कारणों तथा प्रस्तावों को आगे बढ़ाने के लिए उल्लंघन संबंधी मामलों का निपटारा करने के लिए संबंधित राज्यों को शक्तियों का प्रत्यायोजन करने का अनुरोध किया गया है;

और नई दिल्ली स्थित राष्ट्रीय हरित अधिकरण ने अपने तारीख 27 नवंबर, 2017 के आदेश द्वारा मैमर्स अंजली इन्फ्रा हाउसिंग एज एज पी वनाम भारत संघ और अन्य नामक मूल आवेदन सं. 570/2016 के वैसे ही मामले में, मैमर्स अंकुश मूल्यांकन केंद्रकथान एज एज पी वनाम भारत संघ और अन्य नामक मूल आवेदन सं. 576/2016 के मामले में और अंजली इन्फ्रा हाउसिंग एज एज पी वनाम भारत संघ और अन्य मामले में मूल आवेदन सं. 579/2016 के मामले में राज्य स्तर पर परियोजनाओं पर विचार किए जाने के लिए निदेश पारित किए हैं और विधि के अनुसार पर्यावरण अनापत्ति प्रदान करने/का इन्कार करने के संबंध में उचित आदेश पारित किया है।

और उपरोक्त को ध्यान में रखते हुए, केंद्रीय सरकार को यह आवश्यक प्रतीत होता है कि वह लोकहित में, उन व्यक्तियों से, जिनकी इनमें प्रभावित होने की संभावना है, आक्षेप तथा मूलांकन आमंत्रित करने के बारे में पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) में निर्दिष्ट सूचना की अपेक्षा का त्याग करके उक्त अधिसूचना सं. का.आ. 804(अ), तारीख 14 मार्च, 2017 का संशोधन करे।

इसलिए अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोकहित में उक्त नियम के नियम 5 के उपनियम (3) के खंड (क) में निदेश की सूचना की अपेक्षा के साथ वितरण द्वारा उक्त अधिसूचना में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में, पैरा 13 में,-

(क) उपपैरा (2) के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात्:-

"(2) उस दशा में, जब पर्यावरण समाधान निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए जारी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिरक्षण के मामले के रूप में समझा जाएगा और पर्यावरण समाधान निर्धारण अधिसूचना, 2006 की अनुसूची के प्रवर्ग 'क' के अंतर्गत आने वाली परियोजनाओं या क्रियाकलापों का, जिनमें विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार और आधुनिकीकरण भी है, मंत्रालय में विशेषज्ञ मूल्यांकन समिति द्वारा पर्यावरणीय अनापत्ति प्रदान करने के लिए मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर प्रदान की जाएगी और प्रवर्ग 'ख' परियोजनाओं के लिए, उनका मूल्यांकन और अनुमोदन पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित विभिन्न राज्यों और संघ राज्यक्षेत्रों में राज्य या संघ राज्यक्षेत्रीय स्तरीय विशेषज्ञ मूल्यांकन समितियों और राज्य या संघ राज्य क्षेत्रीय पर्यावरण समाधान निर्धारण प्राधिकरणों में तिहित होगा।";

(ख) उपपैरा (4) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(4) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित केंद्रीय स्तर की विशेषज्ञ समिति या राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा उल्लंघन के मामलों का यह मूल्यांकन करने के लिए निर्धारण किया जाएगा कि परियोजना का ऐसे स्थल पर संनिर्माण किया गया है जो लागू विधियों के अधीन अनुज्ञेय है और विस्तार किया गया है, जिसको पर्यावरण पर्यावरणीय सुरक्षापापों के साथ पर्यावरणीय मानकों की अनुपालना के अधीन भवनीय रूप में चलाया जा सकता है; और उस दशा में जहां प्रवर्ग 'क' के अधीन विशेषज्ञ मूल्यांकन समिति या प्रवर्ग 'ख' के अधीन परियोजना के लिए राज्य या संघ राज्यक्षेत्र स्तर की विशेषज्ञ मूल्यांकन समिति का निष्कर्ष नकारात्मक है, विधि के अधीन अन्य कार्यवाहियों के साथ परियोजना को बंद करने की सिफारिश की जाएगी।";

(ग) उपपैरा (5) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(5) उस दशा में जहां पूर्वोक्त उप पैरा (4) के विन्दु पर विशेषज्ञ मूल्यांकन समिति राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति के निष्कर्ष नकारात्मक हैं, उस प्रवर्ग के अधीन परियोजनाओं को पर्यावरण संघात निर्धारण करने और पर्यावरणीय प्रबंधन योजना और विशेषज्ञ मूल्यांकन समिति या राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति तैयार करने के लिए समुचित निवेश निबंधनों के साथ विहित किया जाएगा। इसके अतिरिक्त विशेषज्ञ मूल्यांकन समिति पारिस्थितिकीय तृप्तमान, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण पर परियोजना के विशिष्ट निदेश निबंधनों को विहित करेगी और उनको प्रत्यापित परामर्शदाताओं द्वारा पर्यावरण संघात निर्धारण रिपोर्ट में एक स्वतंत्र अध्याय के रूप में तैयार किया जाएगा। पारिस्थितिकीय तृप्तमान, सुधारकारी योजना तैयार करने और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण के लिए डाटा का संग्रहण और विश्लेषण, पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन सम्बन्धता

अधिमूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकित प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।";

(घ) उपपैरा (6) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(6) विशेषज्ञ मूल्यांकन समिति, यथास्थिति, राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आचर्यन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उदभूत आर्थिक फायदे की तत्स्थानी होगी।";

(ङ) उपपैरा (7) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आचर्यन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा या प्रवर्ग 'क' परियोजना के लिए माया की विचारविधि विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसको विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति, यथास्थिति, राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आचर्यन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।";

[सा. मं. जेड-11013/22/2017-भारत-III(एन)]

ज्ञानेश भारती, संयुक्त सचिव

टिप्पण: मूल अधिमूचना का.आ. 804(अ), तारीख 14 मार्च, 2017 द्वारा प्रकाशित की गई थी।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE NOTIFICATION

New Delhi, the 8th March, 2018

S.O. 1030(E). —Whereas, the Ministry of Environment, Forest and Climate Change *vide* notification number S.O.804(E), dated the 14th March, 2017 (hereinafter referred to as the said notification) has notified the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance as mandated under the Environment Impact Assessment Notification, 2006 [S.O.1533 (E), dated the 14th September, 2006];

And whereas, the Ministry of Environment, Forest and Climate Change (hereinafter referred to as the Ministry) in the said notification *inter alia*, directed *vide* sub-paragraph (2) of paragraph 13, that in case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority, are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product- mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level;

And whereas, the Ministry has received a number of proposals relating to all sectors covered under category A and category B, for consideration in pursuance of the said notification;

And whereas, the Ministry is in receipt of representations from the public representatives and Industrial Associations, requesting delegation of powers to the respective States to deal with the violation cases for operational reasons and expediting the proposals;

And whereas, the National Green Tribunal, Principal Bench at New Delhi *vide* their order dated the 27th November, 2017 in similar matters in OA No.570/2016 titled M/s Anjli Infra Housing LLP Vs Union of India & others, OA No.576/2016 in the matter of M/s Ankur Khusal Construction LLP Vs Union of India & others and OA No.579/2016 in the matter of Anjli Infra Housing LLP Vs Union of India & others, has passed directions for consideration of the projects at the State level and pass appropriate orders in regard to grant/refusal of the environmental clearance in accordance with law;

And whereas, in view of the above, the Central Government finds it necessary to amend the said notification number S.O.804(E), dated the 14th March, 2017 by dispensing with the requirement of notice referred to in clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 regarding inviting objections and suggestions from persons likely to be affected thereby, in public interest;

Now, therefore, in exercise of the powers conferred by sub-section (1), sub-clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification by dispensing with the requirement of notice referred to in clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, namely:-

In the said notification, in paragraph 13, -

(a) for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:-

“(2) In case the projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 from the concerned regulatory authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernisation, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations and the projects or activities covered under category A of the Schedule to the Environment Impact Assessment Notification, 2006, including expansion and modernisation of existing projects or activities and change in product mix, shall be appraised for grant of environmental clearance by the Expert Appraisal Committee in the Ministry and the environmental clearance shall be granted at Central level, and for category B projects, the appraisal and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.”;

(b) for sub-paragraph (4), the following sub-paragraph shall be substituted, namely:-

“(4) The cases of violations will be appraised by the Expert Appraisal Committee at the Central level or State or Union territory level Expert Appraisal Committee constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.”;

(c) for sub-paragraph (5), the following sub-paragraph shall be substituted, namely:-

“(5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants, and the collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or a environmental laboratory accredited by the National Accreditation Board

for Testing and Calibration Laboratories, or a laboratory of the Council of Scientific and Industrial Research institution working in the field of environment.”;

(d) for sub-paragraph (6), the following sub-paragraph shall be substituted, namely:-

“(6) The Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, as the case may be, shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.”;

(e) for sub-paragraph (7), the following sub-paragraph shall be substituted, namely:-

“(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by the Expert Appraisal Committee for category A projects or by the State or Union territory level Expert Appraisal Committee for category B projects, as the case may be, and finalised by the concerned Regulatory Authority, and the bank guarantee shall be deposited prior to the grant of environmental clearance and released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after recommendation by regional office of the Ministry, Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee and approval of the Regulatory Authority.”.

[F.No.Z-11013/22/2017-IA-II (M)]

GYANESH BHARTI, Jt. Secy.

Note: The principal notification was published vide number S.O.804(E), dated the 14th March, 2017.

आदेश

नई दिल्ली, 8 मार्च, 2018

का.आ. 1031(अ).—केन्द्रीय सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1), उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) के अधीन जारी भारत सरकार की, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में अधिमूचना संख्या का.आ.804(अ) तारीख 14 मार्च, 2017 (जिसमें इसमें इसके पश्चात् उक्त अधिमूचना कहा गया है) द्वारा उक्त परियोजनाओं का जिनको पूर्व पर्यावरण अनापत्ति प्राप्त किए बिना कार्य आरंभ कर दिया है और ऐसे मामलों को उल्लंघन माना गया है, का मूल्यांकन करने के लिए प्रबंध किया है।

और उपर्युक्त अधिमूचना के पैरा 13 के उपपैरा (1) द्वारा निर्देश दिया गया है कि यथास्थिति केन्द्रीय सरकार से अथवा उपर्युक्त अधिनियम के अधीन केन्द्रीय सरकार द्वारा विशिष्ट रूप से पठित राज्य पर्यावरण समाघात निर्धारण प्राधिकरण से, पूर्व पर्यावरणीय स्वीकृति प्राप्त किए बिना भारत के किसी भी भाग में प्रक्रिया या प्रौद्योगिकी अथवा दोनों में परिवर्तन सहित अतिरिक्त क्षमता के लिए शुरू की गई पर्यावरण समाघात निर्धारण अधिमूचना, 2006 [का.आ.1533(अ) तारीख 14 सितंबर, 2006] के अधीन पूर्व पर्यावरणीय स्वीकृति की अपेक्षा वाली परियोजनाओं अथवा क्रियाकलापों या मौजूदा परियोजनाओं अथवा क्रियाकलापों के विस्तार या आधुनिकीकरण को पर्यावरण समाघात निर्धारण अधिमूचना, 2006 के उल्लंघन का मामला माना जाएगा;

और उपर्युक्त अधिमूचना में यह और उपबंध है कि ऊपर उल्लिखित परियोजनाओं और क्रियाकलापों से उपर्युक्त अधिमूचना के पैरा 13 के उपपैरा (2) से (7) में विनिर्दिष्ट प्रक्रिया के अनुसार माल्टी से निपटा जाएगा;

और पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) द्वारा प्रदत्त अस्तित्वों का प्रयोग करते हुए उपर्युक्त अधिमूचना के पैरा 13 के उप पैरा (4) के अनुबन्ध में सभी क्षेत्रों में उल्लंघन के मामलों का मूल्यांकन करने और केन्द्रीय सरकार को सिफोरिथे करने के लिए विभिन्न क्षेत्रों के विशेषज्ञों से मिलकर बनने वाली भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, संख्यांक का.आ.1805(अ), तारीख 6 जून, 2017 की अधिमूचना द्वारा एक विशेषज्ञ मूल्यांकन समिति (ईएसी) का गठन किया गया था ;

और इस प्रकार गठित की गई विशेषज्ञ मूल्यांकन समिति में, श्री एम.के.धीवास्तव, वैज्ञानिक ई को उक्त समिति के सदस्य सचिव के रूप में पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के प्रतिनिधि रूप में नामनिर्दिष्ट किया गया था।

और प्रशासनिक तथा प्रचालन संबंधी कारणों से, अतिक्रमण मामलों में कार्यवाही करने के लिए गठित की गई विशेषज्ञ मूल्यांकन समिति के सदस्य सचिव के रूप में यथास्थिति श्री एम.के.धीवास्तव, वैज्ञानिक ई के साथ वैज्ञानिक ई या वैज्ञानिक एफ या वैज्ञानिक जी का नामांकन प्रतिस्थापित करना समीचीन हुआ है;

और अतः अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उक्त अधिसूचना सं० का.आ.804(अ) तारीख 14 मार्च, 2017 के पैरा 13 के उपपैरा (4) के अनुसरण में भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii), तारीख 6 जून, 2017 में प्रकाशित भारत सरकार की पर्यावरण वन और जलवायु परिवर्तन मंत्रालय संख्या का.आ.1805(अ), तारीख 6 जून, 2017 के आदेश में निम्नलिखित संशोधन करती है, अर्थात्:--

उक्त आदेश की मारणी में, क्रम सं० 11 के सामने, स्वंत्र (2) में प्रविष्टियों के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:--

"वैज्ञानिक ई या वैज्ञानिक एफ या वैज्ञानिक जी, यथास्थिति, पर्यावरण, वन और जलवायु परिवर्तन, मंत्रालय, जोगवाग रोड, नई दिल्ली-3।

[फा.सं.जेड-11013/22/2017-आईएन-II(एम)]

ज्ञानेश भारती, संयुक्त सचिव

टिप्पणी: मूल आदेश सं. का.आ.1805(अ) तारीख 6 जून, 2017 द्वारा प्रकाशित किया गया था।

ORDER

New Delhi, the 8th March, 2018

S.O. 1031(E).—Whereas, by the notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 804(E), dated the 14th March, 2017, issued under sub-section (1), sub-clause (a) of clause (i) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as the said notification), the Central Government has established an arrangement to appraise the projects, which have started the work without obtaining prior environmental clearance and such cases have been termed as cases of violation;

And whereas, vide sub-paragraph (1) of paragraph 13 of the said notification, it has been directed that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 [S.O.1533(E), dated the 14th September, 2006] entailing capacity addition with change in process or technology or both, undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006;

And whereas, the said notification further provides that the projects and activities referred above, shall be dealt strictly as per the procedure specified in sub-paragraph (2) to (7) of paragraph 13 of the said notification;

And whereas, in exercise of the power conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 and in pursuance of sub-paragraph (4) of paragraph 13 of the said notification, an Expert Appraisal Committee (EAC) was constituted by notification of the Government of India in the Ministry of Environment, Forest and Climate Change vide number S.O.1805(E), dated the 6th June, 2017 comprising members with expertise in different sectors to appraise and make recommendations to the Central Government as cases of violation in all the sectors;

And whereas, in this Expert Appraisal Committee so constituted, Shri S K Srivastava, Scientist E was nominated as representative of the Ministry of Environment, Forest and Climate Change as Member Secretary of the said Committee;

And whereas, due to administrative and operating reasons, it has become expedient to replace the nomination of Shri S. K. Srivastava, Scientist E with the Scientist E or Scientist F or Scientist G, as the case may be, as Member Secretary of the Expert Appraisal Committee constituted to deal with violation cases;

And now, therefore, in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of sub-paragraph (4) of paragraph 13 of the said notification number S.O.804(E), dated the 14th March, 2017, the Central Government hereby makes the following amendments in the order of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O.1805(E), dated the 6th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 6th June, 2017, namely:-

In the said order, in the Table, against serial number 11, for the entries in column (2), the following entries shall be substituted, namely:-

“Scientist E or Scientist F or Scientist G, as the case may be, Ministry of Environment, Forest and Climate Change, Jorbagh Road, New Delhi-3”.

[F. No. Z-11013/22/2017-IA-II (M)]

GYANESH BHARTI, Jt. Secy.

Note: The principal order was published vide number S.O.1805(E), dated the 6th June, 2017.

F. No. 22-21/2020-IA.III

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira ParyavaranBhawan
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New Delhi – 110003
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Date: 7th July, 2021**Office Memorandum**

Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) **for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process**".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "**...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, **the Hon'ble courts have, inter-alia, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014). The salient extracts of the judgements are as under:**

Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:

i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014

Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."

*"(...) the proposal of the petitioner company for **environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.**"*

ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

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*pollution laws or the pollution, if any, can conveniently and effectively be checked. **The answer necessarily has to be in the negative.***"

"29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms."

Issue 2: Environmental Clearance – Prospective & not ex-post facto:

Hon'ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017

*Held: "(...) an EC will come into force **not earlier than the date of its grant.**"*

Issue 3: 'Principles of Proportionality' – to be applied:

Hon'ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

*Held: "(...) **this Court must take a balanced approach** which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord **with the principle of proportionality**"*

**Issue 4: 'Polluter pays' principle &
&**

Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

Hon'ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)

Held:

a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will **include giving directions ... and also the power to impose the cost of remedial measures** on the offending industry and utilize the amount so recovered for carrying out remedial measures.....

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b) **Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5** which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the **"Polluter Pays" Principle**. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

9. Definition of Violation and Non-compliance:

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:

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i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure - Guiding Principles:

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2.	If prior EC is available for existing/old unit	Order to revert the activity/production to permissible limits.
3.	If prior EC was not required for earlier production level but is now required	Restrict the activity/production to the extent to which prior EC was not required.

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

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Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished.***

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present**

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form/configuration/features then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA).** The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.**

Note - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, **shall be effective only from the date of issuance of such clearance** and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

12. Penalty provisions for Violation cases and applications:

a. For new projects:

- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
- ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report **PLUS** 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

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b. For expansion projects:

- i. **Where operation/production with expanded capacity has not commenced:**
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

13. Identification of Violation cases:

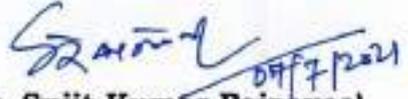
With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior

Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.

- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
- iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.

14. This is issued with the approval of the Competent Authority.


(Dr. Sujit Kumar Bajpayee)
Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors.(order dated 24.05.2021).

**Order No. SEIAA/TS/OL/SDPT-37/2022-****Dt:15.02.2023.**

Sub: SEIAA – Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District – TORs [Violation] with Public Hearing issued – Reg.

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- I. This has reference to your proposal No. SIA/TG/RIV/409365/2022, dt. 06.12.2022 (accepted on **16.12.2022**) submitted to the SEIAA, Telangana seeking Terms of Reference (ToR) in terms of the provisions of Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986. The project is for **Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District.**
- II. The proposal for grant of Terms of Reference (ToR) to the proposed project was considered by the State level Expert Appraisal Committee (SEAC) in its meeting held on **03.01.2023**. The SEAC observed the following:

The representative of the project proponent: Sri Shankar (Engineer in Chief), and Dr. Ramakrishna of M.s. FPRI Hyderabad attended and made a presentation before the SEAC.

During presentation, the proponent informed the following:

- **Concept of IFFC project from SRSP is:**
 - Sri Ramasagar Project (SRSP) reservoir was commissioned in the year 1964-69 with a capacity of **112 TMC** at Pachampad (V), Nizamabad district to irrigate an ayacut of **14.08 Lakh acres** in Stage-I and Stage-II.
 - Flood Flow Canal project was proposed by the then Government of Andhra Pradesh envisaging **diversion of balance surplus water** available at SRSP reservoir after meeting the requirement of SRSP Stage-I&II.
 - The Head regulator was provided in the foreshore of SRSP for diversion of water from the said reservoir into the Flood Flow Canal.
 - The main aim of the Flood Flow Canal project is to irrigate an ayacut of **89,031 Ha (2,20,000 acres)** in the upland drought prone areas of Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda and Jangaon (erstwhile districts of Karimnagar, Warangal and Nalgonda) districts in Telangana region duly utilising 20 TMC of flood water of Godavari river from the fore shore of SRSP reservoir.
- **Background of the project is:**
 - The **Technical Advisory committee(TAC)** of Central Water Commission (CWC) in its 64th meeting on 03.04.1996 **approved the project components comprising the following three (3 Nos) reservoirs** for an estimated cost of Rs.1331.30 Cr @ Price Level 1992-93
 - Combined Storage Reservoir-I (Storage Capacity : 7.346 TMC, Ayacut : 32,000 acres)
 - Mid Manair Reservoir (Storage Capacity : 25.873 TMC, Ayacut : 68,000 acres)
 - Gouravelly Reservoir (Storage Capacity : 1.095 TMC, Ayacut : 1,20,000 acres)
 - The then Government of Andhra Pradesh vide G.O. Ms. No. 209 dated 17.11.1997 deleted the **combined storage reservoir-I** across **Peddavogu-II and Karutla vagu** near **Konaraopet(V), Karimnagar district** with a storage capacity of 7.346 TMC to irrigate an ayacut of 12950Ha (32,000 Acres).

- The Environmental clearance for the IFFC Project from SRSP was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003 to irrigate an ayacut of 2,20,000 acres duly utilizing 20 TMC of Flood water of Godavari river water from foreshore of Sriramsagar project
 - Mid Manair Reservoir – 25.873 TMC
 - Gouravelly Reservoir – 1.410 TMC
 - The statutory clearance w.r.t. the project are:
 - The Forest clearances for canals and reservoirs was accorded vide Lr. Ref. No. 50907/99/F.1, Dt: 14-03-2000 & 14.09.2000 respectively.
 - The Site clearance for investigation & survey was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.24.06.2002.
 - The Environmental clearance was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003.
 - The Rehabilitation and Resettlement clearance is received from the Govt. of India vide MOTA Lr. no.20011/4/2003- CP & R, Dt. 02-09-2004.
 - The Planning Commission (water Resources Division) accepted for investment in the State Plan with an estimated cost of Rs 1331.30 crores vide Lr.No.2 (322)/03-WR Dt: 08.12.2005
 - The details of Hon'ble NGT case w.r.t. the project are:
 - The Government of Telangana has accorded administrative approval for the Gouravelly reservoir project with enhanced capacity from 1.410 TMC to 8.23 TMC vide G.O.Ms. No. 533, I&CAD (Projects-IV) Department Dt: 26.05.2017 and 85% of work was completed by the time of NGT Case was filed.
 - The submerging villagers of Gouravelly reservoir had filed the case OA no 180 of 2021 on 10th August 2021 before the Hon'ble NGT (SZ), Chennai on the ground that the irrigation and CAD department of State of Telangana under the Re-engineering proposal issued orders for expansion of Gouravelly Reservoir from 1.410 TMC to 8.230 TMC without obtaining prior EC from Ministry.
 - The Joint Committee constituted by the NGT, Chennai was formed on 13th August 2021
 - Joint committee had a site visit on 23rd September 2021 and submitted a report on 29th September 2021 in which it has reported that the scope of the project has been changed without approval of MoEF & CC.
 - The committee has proposed an Environmental Compensation of Rs.2,05,31,250 (Rs.2.05 Crores) for Violation.
 - MoEF&CC issued show cause notice to I&CAD Department on 7th January 2022.
 - I&CAD submitted the replies to show cause notice on 27th January 2022.
 - NGT has disposed the case on 10th February 2022 duly directing the MoEF&CC to complete the process of enquiry and to submit the report in four months
 - EAC has scheduled a meeting on 15th June 2022 for the replies to show cause
 - Based on the EAC meeting the committee suggested a fresh proposal under violation category
- 29.4.3 The EAC during deliberations observed that based on fact submitted by the project proponent and report of the Joint Committee, it has been confirmed that the project involves violation and the project will be appraised by the EAC as per the standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006 mentioned in OM dated 07.07.2021.
- The EAC therefore, suggested the project proponent to submit the proposal a fresh at PARIVESH portal for terms of reference (TOR) under violation category.
 - Accordingly, the proponent submitted Form-I for TOR on 02.09.2022 at the MoEF&CC, Govt. But, the Ministry did not consider the proposal as the project becomes Category-B project as per S.O.1886(E), dt.20.04.2022. Hence, the proponent re-submitted the proposal for TOR to the SEIAA, TS on 06.12.2022.

The SEAC noted the details of the project as following:

- The Indiramma Flood Flow Canal Project (IFFC) envisages diversion of flood water from Sri Ramasagar Project (SRSP).
 - **Ayacut 89,031 ha.**
 - **Drought prone areas** erstwhile districts of Karimnagar, Warangal and Nalgonda (present districts Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda and Jangaon)
 - **Excess flood** – Once in four years
- The storage facilities for storing such flood plays major role in harnessing and conserving flood water.

The SEAC noted that the project components are:

➤ **Water conveyance system:**

- FFC Canal :122 km
- Reverse lift pump houses: 3 number
- MMR Canals:103.375 km
- Tunnel – 11.98 km
- Pump house – 3 x 32MW(3x19cumecs)
- Gouravelly Canals-63.725 km
- High Level Canals-20,845 Km

➤ **Reservoir:**

- Mid Manair Reservoir : 25 873 TMC
- Gouravelly reservoir : 8.23 TMC

➤ **Distributory network system:**

- MMR Command Area – 40,470 ha (1,00,000 acres)
- Gouravelly Command Area – 48,561 ha (1,20,000 acres) in Karimnagar, Siddipet, Hanumakonda and Jangaon Districts.

The SEAC noted that the command area of 89,031 Ha falls in the Districts of Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda & Jangaon

During presentation, the proponent informed the following w.r.t. Expansion of Gouravelly Reservoir Project:

- The Sriramsagar project was designed with a capacity of 112 TMC. But due to heavy siltation the effective storage capacity is decreased to 90 TMC, increasing the untapped flood water. In this context it is also on edge to have more storage capacity for tapping such flood.
- The excess flood as per the data available occurs once in every four years in SRSP. The storage facilities for storing such flood plays major role in harnessing and conserving flood water.
- After formation of Telangana state the Government has reviewed the existing irrigation project and as a part of effective utilisation of water allocation and to compensate the storage lost due to deletion of Combined Storage Reservoir (7.346 TMC) near Konaropet (V), an alternate proposal of increasing the Gouravelly reservoir capacity from 1.409 TMC to 8.230 TMC has been proposed.

The SEAC confirmed the project as a case of violation of the EIA Notification, 2006 and the project has to be considered in the terms of provisions of the S.O.No.804 (E) dt 14.03.2017; S.O.1030 (E), dt.08.03.2018; and O.M. dt: 07.07.2021 & O.M. dt: 28.01.2022 issued by the MoEF&CC, Govt w.r.t. SOP for identification and handling of violation cases under EIA Notification., 2006.

After detailed discussions, the proponent is directed to prepare EIA report, as per the Standard Terms of Reference (TORs) issued by the MoEF&CC, Govt for "1 (c) river valley projects" and following Additional TORs along with the Specific Terms of Reference w.r.t. violation as per S.O.No.804 (E) dt.14.03.2017 & S.O.1030 (F), dt.08.03.2018 and OM dt. 07.07.2021 & 28.01.2022 undergo the process of Public Hearings (District wise) in consultation with TSPCB and submit final EIA report along with minutes of Public Hearings & response of the proponent to the issues emerged in the Public Hearings to the SEAC for appraisal.

Additional TORs:

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT, Chennai

III. Accordingly, the proposal along with recommendations of SEAC, Telangana was examined by the State level Environment Impact Assessment Authority (SEIAA) in its meetings held on 04.02.2023 and observed the following:

The SEIAA discussed the recommendations of the SEAC in detail and noted that the proponent has started project activity without obtaining EC and violated EIA Notification, 2006.

However, approved the project for issue of TORs (Violation) with public hearing. The proponent is directed to stop the activity forthwith and shall comply with the MoEF&CC, Govt (OM No22-21 /2020-IA.III dt.07.07.2021). The proponent shall prepare EIA report as per the Standard Terms of Reference (TORs) issued by the MoEF&CC, Govt for "1 (c) river valley projects" and following Additional TORs.

- Capacity table (1 mtr interval) with graphical representation
- Details of submergence
- Details of development of greenbelt as per the Report of the Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt 10.02.2022 in OA No.180 of 2021 (SZ) of the Hon'ble NGT Chennai

IV. In view of the above, the SEIAA, Telangana hereby accords **Tolls with public hearing to the project** for preparation of the Environment Impact Assessment (EIA) Report and Environment Management Plan (EMP). The TORs and general guidelines for preparation of EIA & EMP report are as following:

STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT IMPACT ASSESSMENT STUDY FOR RIVER VALLEY PROJECTS & IRRIGATION PROJECTS AND INFORMATION TO BE INCLUDED IN EIA/EMP REPORT.

A. Scope of EIA Study

The EIA Report should identify the relevant environmental concerns and focus on potential impacts that may change due to the construction of proposed project. Based on the baseline data collected for three (3) seasons (Pre-monsoon, Monsoon and Winter seasons), the status of the existing environment in the area and capacity to bear the impact on this should be analysed. Based on this analysis, the mitigation measures for minimizing the impact shall be suggested in the EIA/EMP study

B. Details of the Project and Site

- 1 General introduction about the proposed project
- 2 Details of Project and site giving L Sections of all U/S and D/S Projects with all relevant maps and figures. Connect such information as to establish the total length of Interference of Natural River and the committed unrestricted release from the site of Dam/Barrage into the main river
- 3 A map of boundary of the project site giving details of protected areas in the vicinity of 25 km of project location
- 4 Location details on a map of the project area with contours indicating main project features. The project layout shall be superimposed on a contour map of ground elevation showing main project features (viz. location of dam, Head works, main canal, branch canals, quarrying etc.) shall be depicted in a scaled map
- 5 Layout details and map of the project along with contours with project components clearly marked with proper scale maps of at least 1:50,000 scale and printed at least on A3 scale for clarity
- 6 Existence of National Park, Sanctuary, Biosphere Reserve etc. in the study area, if any, should be detailed and presented on a map with distinct distances from the project components
- 7 Drainage pattern and map of the river catchment up to the proposed project site.

- 8 Delineation of critically degraded areas in the directly draining catchment on the basis of Silt Yield Index as per the methodology of Soil and Land use Survey of India
- 9 Soil characteristics and map of the project area
- 10 Geological and Seismo-tectonic details and maps of the area surrounding the proposed project site showing location of dam site and canal sites
- 11 Remote Sensing studies, interpretation of satellite imagery, topographic sheets along with ground verification shall be used to develop the land use/land cover pattern of the study using overlaying mapping techniques viz Geographic Information System (GIS), False Color Composite (FCC) generated from satellite data of project area
- 12 Land details including forests, private and other land
- 13 Demarcation of snow fed and rain fed areas for a realistic estimate of the water availability

C. Description of Environment and Baseline Data

- 1 To know the present status of environment in the area, baseline data with respect to environmental components air, water, noise, soil, land and biology & biodiversity (flora & fauna), wildlife, socioeconomic status etc. should be collected within 10 km radius of the main components of the project/site i.e. dam site and power house site. The air quality and noise are to be monitored at such locations which are environmentally & ecologically more sensitive in the study area. The baseline studies should be collected for 3 seasons (Pre-Monsoon, Monsoon and Post Monsoon seasons)
- 2 Flora-Fauna in the catchment and command area should be documented. The study area should comprise of the following:
 - a Catchment area up to the dam/barrage site
 - b Submergence Area
 - c Project area or the direct impact area should comprise of area within 10 km radius of the main project components like dam, canals etc

D. Details of the Methodology

The methodology followed for collection of base line data along with details of number of samples and their locations in the map should be included. Study area should be demarcated properly on the appropriate scale map. Sampling sites should be depicted on map for each parameter with proper legends. For Forest Classification, Champion and Seth (1968) methodology should be followed

E. Methodology for Collection of Biodiversity Data

- 1 The number of sampling locations should be adequate to get a reasonable idea of the diversity and other attributes of flora and fauna. The guiding principles should be the size of the study area (larger area should have larger number of sampling locations) and inherent diversity at the location, as known from secondary sources (e.g. eastern Himalayan and low altitude sites should have a larger number of sampling locations owing to higher diversity).
- 2 The entire area should be divided in grids of 5kmX5km preferably on a GIS domain. There after 25% of the grids should be randomly selected for sampling of which half should be in the directly affected area (grids including project components such as reservoir, dam, powerhouse, tunnel, canal etc.) and the remaining in the rest of the area (areas of influence in 10 km radius from project components). At such chosen location, the size and number of sampling units (e.g. quadrates in case of flora/transects in case of fauna) must be decided by species area curves and the details of the same (graphs and cumulative number of species in a tabulated form) should be provided in the EIA report. Some of the grids on the edges may not be completely overlapping with the study area boundaries. However, these should be counted and considered for selecting 25% of the grids. The number of grids to be surveyed may come out as a decimal number (i.e. it has an integral and a fractional part) which should be rounded to the next whole number.
- 3 The conventional sampling is likely to miss the presence of rare, endangered and threatened (r.e.t.) species since they often occur in low densities and in case of faunal species are usually secretive in behaviour. Reaching the conclusion about the absence of such species in the study area based on such methodology is misleading. It is very important to document the status of such species owing to their high conservation value. Hence likely presence of such species should be ascertained from secondary sources by a proper literature survey for the said area including referring to field guides which are now available for many taxonomic groups in India. Even literature from studies/surveys in the larger landscapes which include the study area for the concerned project must be referred to, since most species from adjoining catchments is likely to be present in the catchments in question. In fact such literature from the entire state can be referred to. Once a listing of possible r.e.t. species from the said area is developed, species specific methodologies should be adopted to ascertain their presence in the study area which

would be far more conclusive as compared to the conventional sampling. If the need be, modern methods like camera trapping can be resorted to, particularly for areas in the eastern Himalayas and for secretive/nocturnal species. A detailed listing of the literature referred to, for developing lists of r.e.t. species should be provided in the EIA reports. The conventional sampling is likely to miss the presence of rare, endangered and threatened (r.e.t.) species since they often occur in low densities and in case of faunal species are usually secretive in behaviour. Reaching the conclusion about the absence of such species in the study area based on such methodology is misleading. It is very important to document the status of such species owing to their high conservation value. Hence likely presence of such species should be ascertained from secondary sources by a proper literature survey for the said area including referring to field guides which are now available for many taxonomic groups in India. Even literature from studies/surveys in the larger landscapes which include the study area for the concerned project must be referred to, since most species from adjoining catchments is likely to be present in the catchments in question. In fact such literature from the entire state can be referred to. Once a listing of possible r.e.t. species from the said area is developed, species specific methodologies should be adopted to ascertain their presence in the study area which would be far more conclusive as compared to the conventional sampling. If the need be, modern methods like camera trapping can be resorted to, particularly for areas in the eastern Himalayas and for secretive/nocturnal species. A detailed listing of the literature referred to, for developing lists of r.e.t. species should be provided in the EIA reports.

- 4 The R.E.T. species referred to in this point should include species listed in Schedule I and II of Wildlife (Protection) Act, 1972 and those listed in the red data books (BSI, ZSI and IUCN).

F. Components of the EIA Study

Various aspects to be studied and provided in the EIA/EMP report are as follows:

I. Physical and Chemical Environment

1 Geological & Geophysical Aspect and Seismo- Tectonics:

- a Physical geography, Topography, Regional Geological aspects and structure of the Catchment
- b Tectonics, seismicity and history of past earthquakes in the area. A site specific study of the earthquake parameters will be done. The results of the site specific earthquake design shall be sent for approval of the NCSDP (National Committee of Seismic Design Parameters, Central water Commission, New Delhi) for large dams
- c Landslide zone or area prone to landslide existing in the study area should be examined
- d Presence of important economic mineral deposit, if any
- e Justification for location & execution of the project in relation to structural components (dam /barrage height)
- f Impact of project on geological environment.

2 Meteorology, Air and Noise:

- a Meteorology (viz. Temperature, Relative humidity, wind speed/direction etc.) to be collected from nearest IMD station
- b Ambient Air Quality with parameters viz. Suspended Particulate Matter (SPM), Respirable Suspended Particulate Matter (RSPM) i.e. suspended particulate materials < 10 microns, Sulphur dioxide (SO₂) and Oxides of Nitrogen (NO_x) in the study area at 5-6 Locations
- c Existing Noise Levels and traffic density in the study area at 5-6 Locations.

3 Soil Characteristics:

Soil classification, physical parameters (viz., texture, Porosity, Bulk Density and water holding capacity) and chemical parameters (viz. pH, electrical conductivity, magnesium, calcium, total alkalinity, chlorides, sodium, potassium, organic carbon, available potassium, available phosphorus, SAR, nitrogen and salinity, etc.) at @ one sample/1000 ha of command area.

4 Remote Sensing and GIS Studies:

- a Generation of thematic maps viz. slope map, drainage map, soil map, land use and land cover map, etc. Based on these, thematic maps, an erosion intensity map should be prepared.
- b New configuration map to be given in the EIA Report

5 Water Quality:

- a History of the ground water table fluctuation in the study area.

- b Water Quality for both surface water and ground water for (i) Physical parameters (pH, Temperature, Electrical Conductivity, TSS); (ii) Chemical parameters (Alkalinity, Hardness, BOD, COD, NO₃, PO₄, Cl, So₄, Na, K, Ca, Mg, Silica, Oil & grease, phenolic compounds, residual sodium carbonate);(iii) Bacteriological parameter (MPN, Total coliform); and (iv) Heavy Metals (Pb, As, Hg, Cd, Cr₆, Total Cr, Cu, Zn, Fe) at minimum 10 Locations, however, the sampling numbers should be increased depending on the command area
- c Delineation of sub and micro watersheds, their locations and extent based on the Soil and Land Use Survey of India (SLUSOI), Department of Agriculture, Government of India. Erosion levels in each micro-watershed and prioritization of micro-watershed through Silt Yield Index (SYI) method of SLUSOI

II Water Environment & Hydrology:

- a Hydro-Meteorology of the project viz. precipitation (snowfall, rainfall), temperature, relative humidity, etc. Hydro-meteorological studies in the catchment area should be established along-with real time telemetry and data acquisition system for inflows monitoring
- b Run off, discharge, water availability for the project, sedimentation rate, etc
- c Basin characteristics
- d Catastrophic events like cloud bursts and flash floods, if any, should be documented.
- e For estimation of Sedimentation Rate, direct sampling of river flow is to be done during the EIA study. The study should be conducted for minimum one year. Actual silt flow rate to be expressed in ha-m km² year⁻¹.
- f Set up a G&D monitoring station and a few rain gauge stations in the catchment area for collecting data during the investigation.
- g Flow series, 10 daily with 90%, 75% and 50% dependable years discharges.
- h Environmental flow release should be 20% of the average of the 4 lean months of 90% dependable year (MAF) during the lean season and 30% of Monsoon flow during monsoon season. For remaining months, the flow shall be decided by the Committee based on the hydrology and available discharge.
- i A site specific study on minimum environment flow should be carried out.

III Biological Environment:

- 1 Flora
 - a Characterization of forest types (as per Champion and Seth method) in the study area and extent of each forest type as per the Forest Working Plan.
 - b General vegetation profile and floral diversity covering all groups of flora including Bryophytes, Pteridophytes, Lichens and Orchids. A species wise list may be provided
 - c Assessment of plant species with respect to dominance, density, frequency, abundance, diversity index, similarity index, importance value index (IVI), Shannon Weiner Index etc. of the species to be provided. Methodology used for calculating various diversity indices along with details of locations of quadrats, size of quadrats etc. to be reported within the study area in different ecosystems
 - d Existence of National Park, Sanctuary, Biosphere Reserve etc in the study area, if any, should be detailed.
 - e Economically important species like medicinal plants, timber, fuel wood etc.
 - f Details of endemic species found in the project area
 - g Flora under RET categories should be documented using International Union for the Conservation of Nature and Natural Resources (IUCN) criteria and Botanical Survey of India's Red Data list along with economic significance. Species diversity curve for RET species should be given
- 2 Fauna:
 - a Fauna study and inventerisation should be carried out for all groups of animals including reptiles.
 - b and nocturnal animals in the study area. Their present status along with Schedule of the species
 - c Information (authenticated) on Avi-fauna and wild life in the study area
 - d Status of avifauna their resident/migratory/ passage migrants etc.
 - e Documentation of butterflies, if any, found in the area
 - f Details of endemic species found in the project area

- g RET species- voucher specimens should be collected along with GPS readings to facilitate rehabilitation. RET faunal species to be classified as per IUCN Red Data list and as per different schedule of Indian Wildlife (Protection) Act, 1972
- h Existence of barriers and corridors, if any, for wild animals
- i Compensatory afforestation to compensate the green belt area that will be removed, if any, as part of the proposed project development and loss of biodiversity
- j For categorization of sub-catchments into various erosion classes and for the consequent CAT plan, the entire catchment (Indian Portion) is to be considered and not only the directly the draining catchment

IV Aquatic Ecology:

- a Documentation of aquatic fauna like macro-invertebrates, zooplankton, phytoplankton, benthos, periphyton particularly on the rock substratum, so that this could reflect the food and feeding of grazing fish species
- b Fish and fisheries, fish migration, migratory path elimination and seasonal migration pattern and breeding and spawning grounds
- c Fish diversity composition and maximum length & weight of the measured populations and migratory behaviour to be studied for estimation of environmental flow
- d Conservation status of aquatic fauna/fish and benthic communities
- e Sampling for aquatic ecology and fisheries and fisheries must be conducted during three seasons Pre-monsoon (summer), monsoon and winter. Sizes (length & weight) of important fish species need to be collected and breeding and feeding grounds should also be identified along the project site or in vicinity.

V Irrigation and Cropping:

- a Cropping pattern and Horticultural practices in the study area
- b Collection of primary data on agricultural activity, crop and their productivity and irrigation facilities component
- c Component of pressurized/drip irrigation and micro irrigation
- d Details of Conjunctive use of water for irrigation

VI Socio-Economic:

- a Collection of Baseline data on human settlements, health status of the community and existing infrastructure facilities for social welfare including sources of livelihood, job opportunities and safety and security of workers and surrounding population
- b Collection of information with respect to social awareness about the developmental activity in the area and social welfare measures existing and proposed by project proponent
- c Collection of information on sensitive habitat of historical, cultural and religious and ecological importance
- d The Socio-economic survey/profile within 10 Km of the study area for Demographic profile
- e Economic Structure; Development Profile; Agricultural Practices; Infrastructure, education facilities; health and sanitation facilities; available communication network etc.
- f Documentation of Demographic, Ethnographic, Economic structure and development profile of the area
- g Information on Agricultural practices, Cultural and aesthetic sites, Infrastructure facilities etc
- h Information on the dependence of the local people on minor forest produce and their cattle grazing rights in the forest land.
- i List of all the Project Affected Families with their names, education, land holdings, other properties, occupation, source of income, land and other properties to be acquired, etc
- j In addition to Socio-economic aspects of the study area, a separate chapter on socio-cultural aspects based upon study on Ethnography of the area should be provided

G Impact Prediction and Mitigation Measures

The adverse impact due to the proposed project should be assessed and effective mitigation steps to abate these impacts should be described

- 1 **Air Environment**
 - a Changes in ambient and ground level concentrations due to total emissions from point, line and area sources
 - b Effect on soils, material, vegetation and human health
 - c Impact of emissions from DG sets used for power during the construction, if any, on air environment
 - d Pollution due to fuel combustions in equipments & vehicles
 - e Fugitive emissions from various sources.
 - f Impact on micro climate
- 2 **Water Environment**
 - a Changes in surface & ground water quality
 - b Steps to develop pisci-culture and recreational facilities
 - c Changes in hydraulic regime and down stream flow.
 - d Water pollution due to disposal of sewage.
 - e Water pollution from labour colony/camps and washing equipment.
- 3 **Land Environment**
 - a Changes in land use/land cover and drainage pattern
 - b Immigration of labour population
 - c Quarrying operation and muck disposal.
 - d Changes in land quality including effects of waste disposa
 - e River bank and their stability
 - f Impact due to submergence
 - g Adverse impact on land stability, catchment of soil erosion, reservoir sedimentation and spring flow (if any) [a] due to considerable road construction/widening activity [b] interference of reservoir with the inflowing streams [c] blasting for excavation of canals and some other structures
- 4 **Biological Environment**
 - a Impact on forests, flora, fauna including wildlife, migratory avi-fauna, rare and endangered species, medicinal plants etc
 - b Pressure on existing natural resources
 - c Deforestation and disturbance to wildlife, habitat fragmentation and wild animal's migratory corridors
 - d Compensatory afforestation -identification of suitable native tree species for compensatory afforestation & green belt
 - e Impact on fish migration and habitat degradation due to decreased flow of water
 - f Impact on breeding and nesting grounds of animal and fish
- 5 **Socio-economic aspects**
 - a Impact on local community including demographic profile
 - b Impact on socio-economic status.
 - c Impact on economic status
 - d Impact on human health due to water / vector borne disease
 - e Impact on increases traffic
 - f Impact on Holy Places and Tourism.
 - g Impacts of blasting activity during project construction which generally destabilize the land mass and lead to landslides, damage to properties and drying up of natural springs and cause noise pollution, will be studied. Proper record shall be maintained of the base line information in the post project period
 - h Positive as well as negative impacts likely to be accrued due to the project are to be listed
 - i Positive and negative impacts likely to be accrued due to the project are listed
- H **Environment Impact Analysis**

Environmental Impact Analysis due to the project on the above mentioned components should be carried out for construction and operation phases using qualitative or quantitative methods.
- I **Environmental Management Plan**

Environmental Management Plan aimed at minimizing the negative impacts of the project should be given in detail. The mitigation measures are to be presented for all the likely adverse impacts on the environment. The following suggestive mitigating plans should be included

1 Biodiversity Management Plan

- a Biodiversity and Wild Life Conservation & Management Plan for conservation and preservation of endemic, rare and endangered species of flora and fauna to be prepared in consultation with State Forest Department
- b Compensatory Afforestation in lieu of the forest land required for the project needs to be proposed. Choice of plants should be made in consultation with State Forest Department including native and R&T species, if any
- c Fish suitable based passages (Fish passes/Natural bypass) must be included in the plan. This plan must be a scientific based study (seasonal migration) from the Fisheries Research Institute having experience in fish pass studies
- d Fisheries Conservation & Management Plan-Fish fauna inhabiting the affected stretch of river, a specific fisheries management plan should be prepared for river and reservoir
- e Plan for Green Belt Development along the periphery of reservoir, colonies, approach road, canals etc. to be prepared in consultation with the State Forest Department. Local plant species suitable for greenbelt development should be selected
- f Environmental Monitoring Programme with physical & financial details covering all the aspects of EMP. A summary of cost estimate for all the plans, cost for implementing all Environmental Management Plans including the cost for implementing environmental monitoring programme should be given. Provision for an Environmental Management Cell should be made.

2 Disaster Management Plan

- a Catchment Area Treatment (CAT) Plan should be prepared micro-watershed wise. Identification of area for treatment based upon Remote Sensing & GIS methodology and Silt Yield Index (SYI) method of SLUSOI coupled with ground survey. Areas/watersheds falling under 'very severe' and 'severe' erosion categories are required to be treated. Both biological and engineering measures should be proposed in consultation with State Forest Department. Year-wise schedule of work and monetary allocation should be provided. CAT plan is to be completed prior to reservoir impoundment. Mitigation measures to check shifting cultivation in the catchment area with provision for alternative and better agricultural practices should be include
- b Study of Design Earthquake Parameters: A site specific study of earthquake parameters should be done. The results of the site specific earth quake design parameters should be approval by National Committee of Seismic Design Parameters, Central Water Commission (NCSDP), New Delhi
- c Dam Break Analysis and Disaster Management Plan: The outputs of Dam Break Model should be illustrated with appropriate graphs and maps clearly bringing out the impact of Dam break scenario. Provision for early warning systems should be provided
- d Reservoir Rim Treatment Plan for stabilization of land slide/land slip zones if any, around the reservoir periphery to be prepared. Suitable engineering and biological measures for treatment of the identified slip zones to be provided with physical and financial schedule
- e Muck Disposal Plan- suitable sites for dumping of excavated material should be identified in consultation with the State Pollution Control Board and Forest Department. All Muck disposal sites should be minimum 30 m away from the HFL of river. Plan for rehabilitation of muck disposal sites should also be given. The L-section/ cross section of muck disposal sites and approach roads to be given. Financial out lay for this may be given separately. Detailed muck transportation plan delineating the path ways, number of trucks, quantity of muck to be transported along with monitoring mechanism using latest technology, shall be prepared
- f Plan for Restoration of quarry sites and landscaping of colony areas, working areas, roads, etc.
- g Command Area Development (CAD) Plan giving details of implementation schedule with a sample CAD plan

- h. In the EMP, also include a sample CAD plan for a distributary outlet command. Such a plan is to show the alignment of irrigation and drainage channels. The components of the OFD works to be undertaken may be clearly mentioned along with a time schedule for their completion vis-à-vis the progress of irrigation development
- i. Mitigating measures for impacts due to Blasting on the structures in the vicinity
- 3 Socio-economic aspects**
- a. A detailed CER plan along with activities wise break up of financial commitment shall be prepared in terms of the provisions OM No. 22-65/2017-IA,III dated 30.09.2020. CER component shall be identified considering need based assessment study and Public Hearing issues. Sustainable income generating measures which can help in upliftment of affected section of society, which is consistent with the traditional skills of the people shall be identified.
- b. While formulating CER schemes it shall be ensured that an in-built monitoring mechanism for the schemes identified are in place and mechanism for conducting annual social audit from the nearest government institute of repute in the region shall be prepared. The project proponent shall also provide Action Plan for the status of implementation of the scheme from time to time and dovetail the same with any Govt. scheme(s). CER details done in the past should be clearly spelt out in case of expansion projects
- c. Resettlement and Rehabilitation (R&R) Plan need to be prepared with due consultation with Project Affected Families (PAFs). The provision of the R&R plan should be according to the National Resettlement and Rehabilitation Policy (NRRP-2007) as well as State Resettlement and Rehabilitation Policy. Detailed budgetary estimates are to be provided. Resettlements sites should be identified
- d. Public Health Delivery Plan including the provisions for drinking water facility for the local community
- e. Local Area Development Plan to be formulated in consultation with the Revenue Officials and Village Panchayats. Local skill development schemes should be given. Details of various activities to be undertaken along with its financial out lay should be provided
- f. Labour Management Plan for their Health and Safety
- g. Sanitation and Solid Waste Management Plan for domestic waste from colonies and labour camps etc
- h. Plan for Land Restoration and Landscaping of project sites.
- 4 Miscellaneous**
- a. Energy Conservation Measures..
- b. Environmental safeguards during construction activities including Road Construction
- c. Ground Water Management Plan
- d. Water and Air Quality & Noise Management Plans to be implemented during construction and post construction periods.

In the EMP, also include a sample CAD plan for a distributary outlet command. Such a plan is to show the alignment of irrigation and drainage channels. The components of the OFD works to be undertaken may be clearly mentioned along with a time schedule for their completion vis-à-vis the progress of irrigation development

GENERAL GUIDELINES:

- i. The EIA document shall be printed on both sides, as far as possible.
- ii. All documents should be properly indexed, page numbered.
- iii. Period/date of data collection should be clearly indicated.
- iv. Authenticated English translation of all material in Regional languages should be provided.
- v. The letter/application for EC should quote the MOEF&CC file No. and also attach a copy of the letter prescribing the TOR.

- vi. The copy of the letter received from the SEIAA on the TOR prescribed for the project should be attached as an annexure to the final EIA-EMP Report.
- vii. The final EIA-EMP report submitted to the SEIAA must incorporate the issues mentioned in TOR including action plan on the issues emerged during EPH. The index of the final EIA-EMP report, must indicate the specific chapter and page No. of the EIA-EMP Report where the specific TOR prescribed by SEIAA. Questionnaire related to the project (posted on MoEF&CC website) with all sections duly filled in shall also be submitted at the time of applying for EC.
- viii. Grant of ToR does not mean grant of EC.
- ix. The status of accreditation of the EIA consultant with NABET/QCI shall be specifically mentioned. The consultant shall certify that his accreditation is for the sector for which this EIA is prepared.
- x. On the front page of EIA/EMP reports, the name of the consultant/consultancy firm along with their complete details including their accreditation, if any shall be indicated. The consultant while submitting the EIA/EMP report shall give an undertaking to the effect that the prescribed ToRs (ToR proposed by the project proponent and additional ToR given by the MoEF&CC) have been complied with and the data submitted is factually correct (Refer MoEF&CC Office memorandum dated 4th August, 2009).
- xi. While submitting the EIA/EMP reports, the name of the experts associated with/involvement in the preparation of these reports and the laboratories through which the samples have been got analysed should be stated in the report. It shall clearly be indicated whether these laboratories are approved under the Environment (Protection) Act, 1986 and the rules made there under (Please refer MoEF&CC Office Memorandum dated 4th August, 2009). The project leader of the EIA study shall also be mentioned.
- xii. All the ToR points as presented before the State Expert Appraisal Committee (SEAC) shall be covered.

Specific Terms of Reference:

- *The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC (if Credible Action was not initiated).*
- *The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority. The proponent also shall pay penalty amount to be levied by SEIAA as per O.M. dt: 07.07.2021.*
- *Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.*
- *Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.*
- *The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.*
- *Funds shall be allocated for Corporate Environment Responsibility (CER) for various activities therein. The details of fund allocation and activities for CER shall be incorporated in the EIA/EMP report.*

- xiii. The above ToR should be considered for preparation of EIA Report in addition to all the relevant information as per the 'Generic Structure of EIA' given in Appendix III and IIIA in the EIA Notification, 2006 & its subsequent amendments.
- xiv. The consultants involved in preparation of EIA/EMP report after accreditation with Quality Council of India/National Accreditation Board of Education and Training (QC/NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other Organization(s)/ Laboratories including their status of approvals etc., vide Notification dt. 19.07.2013 of the MoEF&CC.
- xv. The project proponent shall submit the detailed final EIA/EMP prepared as per ToRs, to the SEIAA for considering the proposal for Environmental Clearance within 4 years, as per the O.M. No J-11013-41/2006-IA-11(1) (P) dt. 08.10.2014 of the MoEF&CC, GoI
- xvi. The project proponent should stop construction activity forthwith and shall also comply with the terms of the provisions of the S.O.No.804 (F) dt.14.03.2017; S.O.1030 (E), dt.08.03.2018; and O.M. dt. 07.07.2021 issued by the MoEF&CC, GoI w.r.t. SOP for identification and handling of violation cases under EIA Notification, 2006.
- xvii. The prescribed ToRs would be valid for a period of (5) five years as per the O.M. No.1A3-22/10/2022-IA-III (E 177258) (P) dt. 08.06.2022 of the MoEF&CC, GoI for submission of the EIA/EMP Reports.

Additional TORs:

- Capacity table (1 mtr interval) with graphical representation.
- Details of submergence.
- Details of development of greenbelt as per the Report of Joint Committee constituted by the Hon'ble NGT, Chennai.
- Compliance of Order dt.10.02.2022 in OA No.180 of 2021 (S2) of the Hon'ble NGT, Chennai

Sd/-
MEMBER SECRETARY
SEIAA, T.S.

Sd/-
MEMBER
SEIAA, T.S.

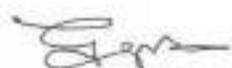
Sd/-
CHAIRMAN,
SEIAA, T.S.

To
Srl. B. Shankar, Engineer-in-Chief, (Irrigation),
Indiramma Flood Flow Canal Project from
Sri RamaSagar Project with expansion of
Gouravelly Reservoir,
LMD Colony, Karimnagar, Telangana- 505527
Ph.No: +91 90004 69450
Email:ene-knr-icad@telangana.gov.in

Copy to :

1. Prof. Ch. Krishna Reddy, Chairman, SEAC, T.S. for kind information.
2. The Member Secretary, TSPCB for kind information.
3. The EE, RO: SRD-II, TSPCB for information.
4. The IRD, MoEF&CC, GoI, Hyderabad for kind information.
5. The Director of Mines & Geology Dept., Hyderabad for kind information
6. The Secretary, MoEF&CC, GoI, New Delhi for kind information

//T.C.F.B.O.//



JOINT CHIEF ENVIRONMENTAL ENGINEER

Annexure II

Inspection Report of Member Secretary, Executive Engineer of
Godavari River Management Board to the Gouravelli Project components
on 01.08.2023.

R. Azhagesan, Member Secretary, GRMB and B. Venkataswamy, Executive Engineer, GRMB Visited the Gouravelli Project site on 01-08-2023. Engineer in Chief, Superintending Engineer, Executive Engineer and their concerned officials of the project accompanied and GRMB officials interacted with those officials. It was noted that while issuing of environmental clearances vide letter No.12011/26/2000-IA-I, Dated: 14.05.2003 by Ministry of Environment and Forests (MoEF), it has been clearly indicated in the clause no. 6 that "in case of change in the scope of the project, project would require a fresh appraisal". The Project officials somehow ignored at the time of re-engineering of various components of these project to re-obtain to reappraise and get Environmental Clearances as per above clause though there is no change in the overall command area proposed for irrigation. Above team visited the embankment, surplus weirs, sluice gates, pump house, raising main, etc., of the projects and GRMB official observed that nowhere, any kind of civil works of this project have been seen being executed on the day of visit.

It is appropriate to indicate that due to total halting of execution of works at the fag end of completion of the project, the benefits which could be harvested early by the farmers have been delaying the improvement in the Ecosystem of command area are also getting delayed. Further the GRMB officials observed that there has been considerable damage to the unfinished surface of the embankment by forming gullies at many locations which is also a matter of serious concern for the stability of the embankment. The project authorities may have to take immediate necessary action by getting due approval from Hon'ble NGT, in the form of some basic protections and maintenance of works to protect the structure from further damage to avoid creation of any weak zone in the structure. Further keeping any hydro mechanical equipment ideal for long period will also cause damage to those equipment and need frequent operation.

R. Azhagesan
31/8/2023

B. Venkataswamy
31/8/23

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 56 of 2023 (SZ)**

WITH

**Miscellaneous Application No.04 of 2023 (SZ) in
Original Application No. 180 of 2021 (SZ)**

IN THE MATTER OF:

Baddam Bhaskar Reddy,
Siddipet and Ors.

....Applicant(s)

Versus

Union of India,
Represented by its Secretary,
MoEF & CC, New Delhi & Ors.

....Respondent(s)

WITH

Baddam Raji Reddy & Ors.

.... Applicant(s)

Versus

Union of India
Rep. by its Secretary,
MoEF&CC, New Delhi and Ors.

....Respondent(s)

REPORT FILED BY THE 3rd RESPONDENT

As per the order Dated: 17.07.2023, the Special Chief Secretary, Irrigation & CAD Department is filing the report as follows:

- 1) Flood Flow Canal (FFC) project (originally cleared in the 64th TAC of CWC, Dt 30.03.1996) is envisaged irrigation facility to an area of 2.2 lakh acres in the drought-prone areas of Telangana region duly diverting about 20 TMC of surplus water from Sriramasagar project during the floods. The DPR approved by CWC in 1996 envisaged formation of 3 No's (Three) reservoirs namely (i)

Combined Storage Reservoir-I across Peddavagu II and Korutlavaagu near Konaraopet (V), Karimnagar Dist with a storage capacity of 7.346 TMC to irrigate an ayacut of 32,000 Acres. (ii) Mid Manair Reservoir with a storage capacity of 25.873 TMC to irrigate an ayacut of 68,000 Acres. (iii) Gouravelly Reservoir with storage capacity of 1.095 TMC to irrigate an ayacut of 1,20,000 Acres was proposed. The total storage capacity under these three Reservoirs was proposed as 34.314 TMC. The approved water utilization is 21.332 TMC of water.

- 2) The then Government of Andhra Pradesh awarded permission to divert and utilize 20.00 TMC of Godavari flood water according to the 64th TAC meeting in 1996. Later owing to huge protests and resistance from the local people against the construction of Combined Storage Reservoir-I across Peddavagu II and Korutlavaagu near Konaraopet (V), Kathalapur (M), Karimnagar Dist at Km 47.60 of FFC, the then Government of Andhra Pradesh vide G.O.Ms.No.209, dated: 17-11-1997 had bypassed the Combined Storage Reservoir-I across Peddavagu-II and Korutlavaagu.
- 3) The following clearances were obtained for Flood Flow Canal Project
 - a) The Site clearance for investigation & survey was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.24.06.2002.
 - b) There is no forest land involved in the project. However forest clearances for canals and reservoirs was accorded vide Lr. Ref. No. 50907/99/F.1, Dt: 14-03-2000 & 14.09.2000 respectively.
 - c) The Environmental clearance was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003.
 - d) The Rehabilitation and Resettlement clearance is received from the Govt. of India vide MOTA Lr. No.20011/4/2003- CP & R, Dt. 02-09-2004.

- e) The Planning Commission (water Resources Division) accepted for investment in the State Plan with an estimated cost of Rs 1331.30 crores vide Lr.No.2 (322)/03-WR Dt: 08.12.2005.
- 4) After formation of Telangana State, Government has taken up Reengineering of Irrigation projects for effective utilization of water allocations made to the state. To compensate the storage lost due to dropping of Combined Storage Reservoir-I across Peddavagu II and Korutlavaagu near Konaraopet (V), Kathalapur (M), Karimnagar Dist, the Government has now proposed to increase the Gouravelly Reservoir capacity from 1.410 TMC to 8.230 TMC as it is bestowed with advantages such as Geographical advantage of site at which reservoir was proposed, No forest land involved, No notified ecologically sensitive areas and wildlife ecosystems falling in the submergence, minimal submergence of lands for the increased storage capacity and minimum number of families displacement. The Government vide G.O.Rt.No.533, I&CAD (Projects-IV) Dept., Dt: 26.05.2017 has accorded Administrative approval. About 85 % of the work is completed by January 2020.
- 5) The submerging villagers of Gouravelly Reservoir have filed a case OA No.180 of 2021 before the Hon'ble NGT (SZ), Chennai on the ground that the Irrigation & CAD Department of State of Telangana, under Re-Engineering Proposal, issued orders for expansion of Gouravelly Reservoir, situated in Siddipet District, from 1.410 TMC to 8.23 TMC without obtaining prior environmental clearance from the Ministry.
- 6) In this regard, the National Green Tribunal (SZ), Chennai has constituted a Joint Committee represented by IRO, MoEF&CC, Godavari River Management Board and Central Water Commission, Integrated Regional Office, Hyderabad. The Joint

Committee conducted the site visit and filed its report, Dt: 29.09.2021 before the Hon'ble Tribunal on Dt: 25.11.2021.

- 7) Preliminary Objections to the affidavit was filed on 25.10.2021, Objections to the Joint Committee report was filed on 28.11.2021 and Counter affidavit was filed on 10.12.2021.
- 8) The final hearing on OA No.180 of 2021 was held on 10.02.2022 and the National Green tribunal disposed the case with the certain observations and directions. Few directions related to Environmental Clearance are as below.
- *Since Ministry of Environment, Forest and Climate Change (MoEF &CC) has come to the conclusion on the basis of the material collected by them that the present project requires further environmental clearance, the state of Telangana is restrained from proceeding with the project further till the proceedings initiated by the Ministry of Environment, Forest and Climate Change (MoEF &CC) is completed.*
 - *If the project proponent makes an application for including the change of scope and apply for Environmental Clearance (EC) the same should not be granted by way of an amendment for existing EC and the entire process will have to be reassessed afresh as has been observed by the Hon'ble Apex Court in (Key stone Relators vs Anil V. Tharthare (2020) 2 SCC 66.*
 - *Ministry of Environment, Forest and Climate Change (MoEF &CC) is directed to complete the process of enquiry as early as possible at any rate within a period of four months and submit further action taken report before this Tribunal after expiry of four months has to be fixed by the Tribunal.*
- 9) As per the NGT orders, the MoEF &CC, New Delhi has conducted 29th EAC meeting on EIA of River Valley and Hydro Electric projects on 15.06.2022 through video conference. In the minutes of meeting, the EAC has suggested the Project Proponent to submit the proposal afresh at PARIVESH portal for Terms of Reference (ToR) under violation category.

10) In order to get the Environmental Clearance as suggested by the EAC, the I&CAD department has entrusted this work to M/s EPTRI, Hyderabad. The EPTRI has started the work and submitted the Form-1 for FFC from SRSP with expansion of Gouravelli Reservoir in PARIVESH website under category A on 02-09-2022. Due to technical problem in PARIVESH 1.0, uploading of Form 1 was delayed for 3 months.

11) However, after examination of the proposal by EAC, on 07.09.2022 Essential Details Sought (EDS) was raised stating the following.

*"As per provisions of the Gazette Notification S.O.1886 (E), Dt.20.04.2022 all the irrigation projects having culturable command area more than 2000 hectares are category B project. Irrigation projects involving Inter State issues shall be appraised at central level without change in category. General condition of EIA notification 2006 as amended shall apply. Please examine the proposal in light of the above provision and **submit the application to the appropriate authority i.e. MoEF/SEIAA**".*

12) Accordingly, the Proposals of Terms of Reference (ToR) in respect of Flood Flow Canal (FFC) Project from Sri Ram Sagar Project (SRSP) were resubmitted to State Level Environment Impact Assessment Authority (SEIAA) on 06-12-2022 through PARIVESH Portal. However due to some technical problem in creating new ID for the Project proponent in PARIVESH 2.0, uploading of Form 1 was delayed for another 3 months.

13) Subsequently, the State Expert Appraisal Committee (SEAC) in its 210 meeting of Terms of Reference (ToR) held on 3rd January 2023, approved the Terms of Reference (ToR) for Flood Flow Canal (FFC) Project from Sri Ram Sagar Project (SRSP) with expansion of Gouravelly Reservoir from 1.41 to 8.23 TMC for preparation of EIA

& EMP Report as per standard ToR of MOEF&CC of GOI vide Order No.SEIAA/TS/OL/SDPT-37/2022, Dt.15.02.2023.

- 14) As per the standard ToR the baseline data for EIA&EMP for three continues seasons has to be collected, it is to submit that till now for two continues seasons i.e., from December -2022 to February - 2023 and March -2023 to May-2023 is already collected . In respect of third season it is under process and will be completed by end of August month this year. It is also to submit that Post Project Environmental Monitoring (PPEM) for the earlier EC is being carried out from May 2022 and it is under process.
- 15) Further, it is submitted that the member secretary SEIAA was requested to accord permission to go for a public hearing with the available data, as there are no streams or diversion of streams within the project, no interstate issues, no forest land involved, no ecologically notified sensitive areas like national parks, sanctuaries or Biosphere reserve exists in the project area, no wildlife ecosystems falling in the submergence and the site has the geographical advantage for formation of the reservoir with minimal submergence of lands for the increased storage capacity with a minimum number of displacement of families and also 85% of the project was already completed.
- 16) It is further submitted that above 85 % of the project works were completed before the filing of case in the Hon'ble NGT, Chennai. However 90% of work was completed by the time the Hon'ble NGT has disposed the case. It is also submitted that Thotapally Lift Irrigation Scheme which is the source for drawing water into Gouravelly reservoir project has already been commissioned and as part of testing, trial run of pumps has been done.

- 17) The total payment towards Land Acquisition, structures and R&R entitlements were completed for Gouravelly reservoir Project and the details are as follows.

Description	1.410 TMC (Original Capacity)		8.23 TMC (enhanced Capacity)	
	Required	Acquired	Required	Acquired
Land Acquisition (in Acres)	1814-00	1814-00 (100%)	2055-00	2055-00 (100%)
Structures in No's	687	687 (100%)	124	124 (100%)
R&R PDF in No's	937	937 (100%)	185	185 (100%)

- 18) In the last monsoon season due to the stoppage of balance works and lack of maintenance for the completed part of the earth bund, rain gullies were formed at many places due to erosion of soil during heavy rains. It is to submit that if proper protection works were not taken up, earth bund may get damaged further, resulting additional financial burden to the Government. As the process of obtaining the Environmental Clearance is in progress, the Irrigation & CAD Department has taken up the protection works to safe guard the completed part of the earthen bund.
- 19) It is to submit that as the 90% of the reservoir works are completed water started getting accumulated due to runoff received from the catchment area of the reservoir resulting the raising of water levels in it. Further, the Hydro Mechanical and Hydro Electrical works of the Lift scheme works were completed and as a part of their periodical maintenance test runs are being conducted regularly, resulting pumping of water in to the reservoir, raising the water levels in the reservoir further.
- 20) It is to submit that in the ensuing monsoon season, the existing water levels may further raise due to above reasons. Hence,

villagers still residing within in the water spread area of the reservoir were evicted, as they have already received the compensation towards LA and benefits of R&R.

- 21) Further it is submitted that, if this 10% of balance work is completed, entire 1,20,000 acres of ayacut in the command area of the reservoir can be stabilised benefitting farmers of the 13 Mandals of drought prone areas of the Karimnagar, Siddipet, Jangaon and Warangal districts of the State of Telangana .As the Main canal and Distributory canal system is ready to serve this ayacut, farmers and public representatives of the command area demanding the Government to complete the balance works of the project at the earliest and release the water from the Gouravelly Reservoir for irrigation and drinking water needs of the people.

It is to submit that awaiting for Environmental Clearance so as to complete the balance works of the project and fulfill the aspirations of the farmers of the command area.

Date: 24.07.2023.

Place: Hyderabad


Special Chief Secretary to Govt.
Irrigation & CAD Department
Telangana Secretariat
Hyderabad - 500 001

(2) (3)

GOVERNMENT OF TELANGANA
ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.III) DEPARTMENT

Letter No.1073/For.III/A2/2023

Dated:02-06-2023

From
The Special Chief Secretary to Government (FAC),
ES&T Department,
Telangana Secretariat, Hyderabad.

To
The Member Secretary,
Telangana State Pollution Control Board,
Hyderabad. (we)

Madam,

Sub:EFS&T Department -Indiramma Food Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District - Violation of Provisions laid under the Environment (Protection) Act,1986 - Initiation of Action -Requested - Reg.

Ref: Letter from the SEIAA, Hyd.Order.No.SEIAA/TS/OL/SDPT-37/2021-651, dated:03.03.2023.

TOEE-1

I am to enclose a copy of the reference cited, together with its enclosures and to inform that as reported by the Member Secretary, State Level Environment Impact Assessment Authority (SEIAA), Hyderabad Telangana has received a proposal from Indiramma Food Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District. The project was considered by the State Level Expert Appraisal Committee (SEAC), Telangana in its meetings held on 03.01.2023 and by the SEIAA in its meeting held on 04.02.2023. While considering the project, it was observed that this is a case of violation of EIA Notification 2006 and its amendments, thereof notified under the Environment (Protection) Act, 1986, as the construction operations were started without obtaining EC. The Member Secretary, State Level Environment Impact Assessment Authority (SEIAA), Telangana has therefore, requested the Government to initiate credible action on the violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking legal action under Section 15 of the Act for the period from which the violation has taken place.

RCB

2. I am to further inform that as per Ministry of Environment & Forests, Government of India vide S.O.No.804(E), dated.14.03.2017; S.O.1030(E) dated: 08.03.2018 and O.M. dt.07.07.2021 & O.M. dt.28.01.2022 of the Ministry of Environment & Forests & Climate Change, has issued instructions for dealing with cases involving violations, as per the procedure mentioned in above notification, the State Government concerned to take credible action on the violation against the proponent under the Environment (Protection) Act, 1986 & ToRs dt.15.02.2023 was issued to the proponent for preparation of EIA and submit to the SEIAA for consideration of the proposal for Environmental Clearance.

24/6/2023

3. I am therefore request you to examine and to initiate credible action on the violation against the Indiramma Food Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District for violation of provisions of the Environmental (Protection) Act, 1986/ EIA Notification, 2006 by filing a case before concerned the First Class Judicial Magistrate court by invoking the powers under section 19 of the Act, and furnish the action taken report together with relevant documents to Government immediately in the matter.

Yours faithfully,

[Signature]
for Special Chief Secretary to Government (FAC)

Lr. No. 1/TSPCB/EC/General/SDPT-37/2014 - 75

Dt.05.07.2023.

Sub: TSPCB - EC - Credible action on violation to be taken against Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District, under the provisions of E(P) Act, 1986 - Reg.

Ref: 1. SEAC Meeting minutes dt.03.01.2023.
2. SEIAA Meeting minutes dt.04.02.2023.
3. TORs dt: 15.02.2023
4. Lr.dt.02.06.2023 received on 26.06.2023 from the Special Chief Secretary (FAC) to Govt., ES&T Dept., communicating lr.dt. 03.03.2023 of SEIAA, Telangana.

It is to submit that EC application of Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District was reviewed in SEAC & SEIAA meetings vide reference 1st & 2nd cited and TORs were issued vide reference 3rd cited (Copies enclosed).

In the reference 4th cited, the Special Chief Secretary (FAC) to Govt., ES&T Dept., GoTS has communicated lr. dt. 03.03.2023 received from the SEIAA, Telangana w.r.t. construction of Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District for taking necessary action, as the construction operations were started without obtaining prior Environmental Clearance. It is also observed from lr.dt.03.03.2023 of the SEIAA, Telangana, as per the TORs were issued it was requested to take action by the State Government against the project proponent under the provisions of Section 19 of the Environment (Protection) Act, 1986 for violation of EIA Notification, 2006. Hence, it was requested to take necessary action. A copy of the letter received from EFS&T Dept., is enclosed.

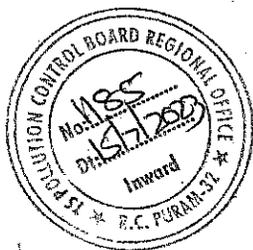
In view of the above, the EE, RO, Sangareddy - II is hereby directed to ensure immediate stoppage of construction work. Further, it is directed to enquire and take necessary action on violation of EIA Notification, 2006 against the proponent (**Indiramma Flood Flow Canal Project from Sri Ramasagar Project**) under the provisions of Section 19, Environment (Protection) Act, 1986.

Encl: As above.

Sd/-
MEMBER SECRETARY

To

The Environmental Engineer,
Regional Office, Sangareddy-II.



//T.C.F.B.O.//

JOINT CHIEF ENVIRONMENTAL ENGINEER

AEs
Pl put up
KZ
18/7

TELANGANA STATE POLLUTION CONTROL BOARDREGIONAL OFFICE: R.C. PURAM

KUMAR PATHAK,
ENVIRONMENTAL ENGINEER

H. No. 25-35/11, 2nd Floor
Tulasi Reddy complex
Near Mandal Office, R.C. Puram
Sangareddy District -500050

Lr.No.3001/PCB/RO/RCP/Legal/EC/2023 - 328

Date: 12.09.2023

To

Sri. M. Govardhan, B.A.LLB,
Advocate,
3-58/1, 1st Floor,
Near BHEL Bus Depot 'X' Roads,
R.C. Puram, Sangareddy District.

Sir,

Sub: TSPCB, RO, RCP – Credible action on violation to be taken against Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District under the provisions of E (P) Act 1986 – Filing of case – Reg.

Ref: 1. TSPCB, B.O. Procds No. 13/101/TSPCB/Legal/Gen/2000-678, Dt 30.10.2017.

2. TSPCB, B.O. Lr. No. 1/TSPCB/EC/General/SDPT-37/2014-75, Dt 05.07.2023.

Regional Office, R.C. Puram

The T.S. Pollution Control Board vide reference 1st cited, permitted this office to avail the services of Sri M. Govardhan, Advocate, 3-58/1, 1st Floor, Near BHEL Bus Depot 'X' Roads, R.C Puram, Sangareddy District.

It is to submit that, the Member Secretary, State Level Environment Impact Assessment Authority (SEIAA), Hyderabad, Telangana has received a proposal from Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District. The Project was examined by the State Level Expert Appraisal Committee (SEAC), Telangana in its meeting held on 03.01.2023 and by the SEIAA in its meeting held on 04.02.2023. It was observed that this is a case violation of EIA Notification, 2006 & its amendments notified under the Environment Protection Act, 1986, as the construction operations were started without obtaining prior Environmental Clearance. The Member Secretary, SEIAA, Telangana vide Lr. Dt. 03.03.2023, requested the Government to initiate credible action on the violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking legal action under Section 15 of the Act for the period from which the violation has taken place.

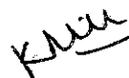
The Special Chief Secretary to Government (FAC), EFS&T Department, Government of Telangana vide Lr. Dated. 02.06.2023 requested the Member Secretary, TSPCB, Hyderabad to examine and to initiate action on the violation against the construction operations of Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District for violation of

provisions of the Environmental (Protection) Act, 1986/EIA Notification, 2006 by filing a case before concerned the First Class Judicial Magistrate court by invoking the powers under section 19 of the Act, and furnish the action taken report together with relevant documents to Government immediately in the matter.

The Board vide reference 2nd cited directed the undersigned to take necessary action on violation of EIA Notification, 2006 against the Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District under the provisions of section 19, Environment (Protection) Act, 1986.

In this regard, it is requested to file case before First Class Judicial Magistrate court against the Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Gouravelly Village, Akkannapet Mandal, Siddipet District. The details of the case along with necessary documents are here with enclosed for kind information. The consultation fee will be paid as per the State Government Rules.

Yours faithfully,



ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C. Puram
Sangareddy Dt. 502 032.

Copy submitted to the Member Secretary, Board Office, Hyderabad for kind information.

Copy submitted to the JCEE, Zonal Office, R. C. Puram for kind information.

**IN THE COURT OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE
AT HUSNABAD**

C.C.No. of 2023

Between:

Telangana State Pollution Control Board,
Represented by the Environmental Engineer,
Kumar Pathak,

...Complainant

AND

Indiramma Flood Flow Canal Project from
Sri Ramasagar Project with expansion of
Gouravelly reservoir, Gouravelly Village
Akkannapet Mandal, Siddipet District.
Rep. by its Engineer-in-Chief (Irrigation),
Sri B. Shankar,
LMD Colony, Karimnagar, Telangana - 505527

...Accused

SWORN AFFIDAVIT FILED BY THE COMPLAINANT

I, Kumar Pathak, Aged about 49 years, O/o. Regional Office, Ramachandrapuram, do hereby affirm and sincerely state an oath as follows:

That I am the deponent herein, the Environmental Engineer in Telangana State Pollution Control Board, and the Complainant in the main case, as such I am well acquainted with facts of the case.

I submits that I am the Environmental Engineer in Telangana State Pollution Control Board, Regional Office, Ramachandrapuram, BHEL, Sangareddy District. I have been directed to prosecute against the Accused Authority vide Lr. No. 1/TSPCB/EC/General/SDPT-37/2014-75 dated 05-07-2023. As per directions given by Telangana State Pollution Control Board, I am filing this complaint,

The copy of letter dated 05-07-2023 is filing herewith for kind perusal.

KMP

Contd...2.

ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

..2..

I submit that the Engineer-in-Chief (irrigation) constructing a canal in the name and style of Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Akkannapet Mandal, Siddipet District. That the member secretary, state level environment Impact assessment authority (SEIAA), Hyderabad, Telangana has received a proposal from 1.410 TMC to 8.23 TMC. The project was considered by the state level expert appraisal committee, Telangana in its meeting held on 03-01-2023 and by the SEIAA in its meeting held on 04-02-2023. While considering the project it was observed that this is a case of violation of EIA notification, 2006 & amendments thereof notified under the Environment (protection) Act, 1986, as proponent started construction operations were started without obtaining Environment clearance (EC) from the SEIAA as such the member secretary SEIAA, Telangana vide Lr. Dt. 03-03-2023 has therefore requested the government to initiate credible action on the violation by invoking powers under section 19 of the Environment (protection) Act, 1986 for taking action under section 15 of the Environment (Protection) Act, for the period from which violation has taken place. The Engineer-in-Chief (irrigation) constructing a canal has not obtained Environment clearance from the State Environment impact Assessment Authority, Telangana and doing operations in the above said premises and causing damage to the environment.

I submit that Board warned the Accused Authority from time to time, to stop the construction work.


ENVIRONMENTAL ENGINEERCont 3
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

:3:

I submit that as per provisions laid by our Board the Accused Authority should follow the rules but accused authority has not followed the rules and regulations, but the accused started construction works.

I submit that the Accused authority violated the rules and regulations and thus we are filing this complaint for producing all the witness before this Court for Trial and also Complainant will produce some of the witnesses at time of Trial.

I submit that due to construction activities of the Accused authority, the said authority is liable to prosecute by taking cognizance of offence for speedy disposal of the case.

Therefore, I prayed this Hon'ble Court may be pleased to take cognizance of offence, register the case and issue summons to the Accused Authority, in the interest of justice and equity.

Sworn and signed before me,

On this the 13th day of September, 2023,

At: SIDDIPET


//Advocate//


DEPONENT

ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

**IN THE COURT OF THE HON'BLE
JUDICIAL FIRST CLASS
MAGISTRATE AT HUSNABAD**

C.C.No. of 2023

Between:

Telangana State Pollution Control
Board,
Represented by the Environmental
Engineer,
Kumar Pathak,

....Complainant

AND

Indiramma Flood Flow Canal Project
from Sri Ramasagar Project with
expansion of Gouravelly reservoir,
Rep. by its Engineer-in-Chief
(Irrigation)
Sri B. Shankar,

...Accused

**SWORN AFFIDAVIT FILED BY THE
COMPLAINANT**

Filed on: 13-09-2023

Filed by: Counsel for the
Complainant

Address for service:

M.Govardhan

Rajeshwar

Md.Adil

M.Devi

G.Rakesh

K.Venkatesh

Advocates,

Sangareddy.

In the Court of the Hon'ble Judicial First Class Magistrate.

205

AT Husnabad

No. _____ of 20 _____

Between

T.S. Pollution Control Board.

Plaintiff
Petitioner

Complainant
Appellant

Indiramma Flood Flow Canal Project from Sri Ramasagar Project.

Defendent
Respondent
Accused

I/We Telangana State Pollution Control Board.

Rep by its Environmental Engineer

Sri Kumar Pathak

Aged about 49 years,

O/o Regional Office, Ramachandrapuram, BHCL, Sangareddy Dist.

do hereby appoint and retain

Advocate/s to appear for me/us in the above Suit/Appeal/Petition/Case and to conduct and prosecute and defend the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I/We empower my/our Advocate/s to appear in all miscellaneous proceedings in the above suit or matter till all decrees or order are fully satisfied or adjusted to compromise and obtain the return of Documents and draw any money that might be payable to me/us in the said Suit or matter and I/We do further empower my/our Advocate/s to accept on my/our behalf, service of notice of all or any appeal or petition filed in any Court or appeal Reference or Revision with regard to the said suit or matter before disposal of this same in Honourable Court.

KSC
ENVIRONMENTAL ENGINEER

T.S. Pollution Control Board

Regional Office, R.C. Puram

Sangareddy Dt. 502 032.

Certified that the executant who is well acquainted with English, read this Vakalatnama that the contents of this Vakalatnama were read out and explained in Urdu /Hindi/Telugu to executant he/she/they being unacquainted with English who appeared perfectly to understand the same and signed or put his/her/their name or mark in my presence.

Identified by : Sri _____

Executed on this the _____ Day of _____ 20 _____

[Signature]
ADVOCATE

In the Court of the Hon'ble
Judicial First Class Magistrate.

AT Husnabad
No. _____ of 20 _____

Between :

T.S Pollution Control Board Plaintiff
Petitioner
Appellant
Complainant

AND

Indiramma Flood Flow Canal Defendant
Respondent
from Sri Ramasagar Project Accused

VAKALAT
ACCEPTED

Accepted
[Signature]

Filed on :

Filed By : Counsel for the Complainant

Advocate for :

Address for Service : 9849383488

M. Govardhan

Rajeshwar

Md. Adil

M. Devi

G. Rakesh

K. Venkatesh

Advocates

Sangareddy.

**IN THE COURT OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE
AT HUSNABAD**

C.C.No. of 2023

Between:

Telangana State Pollution Control Board,
Represented by the Environmental Engineer,
Kumar Pathak,

....Complainant

AND

Indiramma Flood Flow Canal Project from
Sri Ramasagar Project with expansion of Gouravelly reservoir,
Rep. by its Engineer-in-Chief (Irrigation)
Sri B. Shankar,
LMD Colony, Karimnagar, Telangana - 505527

...Accused

VERIFICATION AFFIDAVIT

I, Kumar Pathak, Aged about 49 years, O/o. Regional Office, Ramachandrapuram, do hereby affirm and sincerely state an oath as follows:

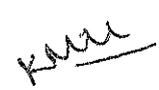
That I am the deponent herein, the Environmental Engineer in Telangana State Pollution Control Board, and the Complainant in the main case, as such I am well acquainted with facts of the case.

I submit that I filed above complainant under section 190 & 200 of Cr.P.C against the Accused Persons, and I filed list of documents to support my case.

I do hereby verify that all the statements contents in the complaint are true and correct to the best of my knowledge and belief and also according to legal advice.

Sworn and signed before me,
On this the 13th day of September, 2023,
At: SIDDIPET


//Advocate//


DEPONENT

ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

**IN THE COURT OF THE
HON'BLE JUDICIAL FIRST
CLASS MAGISTRATE AT
HUSNABAD**

C.C.No. of 2023

Between:

Telangana State Pollution Control
Board,
Represented by the Environmental
Engineer,
Kumar Pathak,

....Complainant

AND

Indiramma Flood Flow Canal Project
from Sri Ramasagar Project with
expansion of Gouravelly reservoir,
Rep. by its Engineer-in-Chief
(Irrigation) Sri B. Shankar,

...Accused

VERIFICATION AFFIDAVIT

Filed on: 13-09-2023

Filed by: Counsel for the
Complainant

Address for service:

M. Govardhan

G. Nagshetty

Md. Adil

M. Devi

G. Rakesh

K. Venkatesh

Advocates,
Sangareddy.

**IN THE COURT OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE
AT HUSNABAD**

C.C.No. of 2023

Between:

Telangana State Pollution Control Board,
Represented by its Environmental Engineer,
Sri. Kumar Pathak,
Aged about 49 years,
O/o. Regional Office, Ramachandrapuram,
Sangareddy District.

....Complainant

AND

Indiramma Flood Flow Canal Project from
Sri Ramasagar Project with expansion of
Gouravelly reservoir, Gouravelly Village
Akkannapet Mandal, Siddipet District.
Rep. by its Engineer-in-Chief (Irrigation),
Sri B. Shankar,
LMD Colony, Karimnagar, Telangana - 505527

...Accused

Nature of offence : Section 19 of The Environment (Protection) Act,
1986

Place of offence : Indiramma Flood Flow Canal Project from Sri
Ramasagar Project with expansion of Gouravelly
reservoir, Gouravelly Village
Akkannapet Mandal, Siddipet District
Rep. by its Engineer-in-Chief (Irrigation)
Sri B. Shankar,
LMD Colony, Karimnagar, Telangana - 505527

Date of offence : 05-07-2023

Police Station : Akkannapet

WITNESSES : 1) Sri. Ravinder
Occ: Asst. Environmental scientist,
O/o. Telangana State Pollution Control Board,
Regional office, Ramchandrapuram, BHEL,
Sangareddy District.

KMM
ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

Contd....2.

..2..

COMPLAINT FILED UNDER SECTION 190 & 200 OF Cr.P.CMay it please your Honour:

1. It is submitted that the Complainant is Environmental Engineer in Telangana State Pollution Control Board, in Regional Office, Ramchandrapuram, BHEL, Sangareddy District. The Complainant has been directed to prosecute against the Canal Project vide Lr. No. 1/TSPCB/EC/General/SDPT-37/2014-75 dated 05-07-2023. As per directions given by Telangana State Pollution Control Board, the Complainant filing this complaint, the copy of letter dated 05-07-2023 is filing herewith for kind perusal.
2. It is submitted that the Engineer-in-Chief (irrigation) constructing a canal in the name and style of Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir from 1.410 TMC to 8.23 TMC, Akkannapet Mandal, Siddipet District. That the member secretary, state level environment Impact assessment authority (SEIAA), Hyderabad, Telangana has received a proposal from 1.410 TMC to 8.23 TMC. The project was considered by the state level expert appraisal committee, Telangana in its meeting held on 03-01-2023 and by the SEIAA in its meeting held on 04-02-2023. While considering the project it was observed that this is a case of violation of EIA notification, 2006 & amendments thereof notified under the Environment (protection) Act, 1986, as proponent started construction operations were started without obtaining Environment clearance (EC) from the SEIAA as such the member secretary SEIAA, Telangana vide Lr. Dt. 03-03-2023 has therefore requested the government to initiate credible action on the violation by invoking powers under section 19 of the Environment (protection) Act, 1986 for taking action

P. K. M. M.

ENVIRONMENTAL ENGINEER Contd...3.
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

..3..

under section 15 of the Environment (Protection) Act, for the period from which violation has taken place. The Engineer-in-Chief (irrigation) constructing a canal has not obtained Environment clearance from the State Environment impact Assessment Authority, Telangana and doing operations in the above said premises and causing damage to the environment.

3. It is submitted that the Complainant Board warned the Engineer-in-Chief (irrigation) constructing a canal time to time, to stop the canal work and save the environment.
4. It is submitted that as per provisions laid by the Complainant Board the Engineer-in-Chief (irrigation) constructing a canal should follow the rules and regulations, but the Accused Authority has not followed the rules and regulations.
5. It is submitted that the Accused Authority, violated the rules and regulations and thus the complainant filing this complaint for producing all the witness before this Court for Trial and also Complainant will produce some of the witnesses at time of Trial.
6. It is submitted that due to activities of the Accused authority, the surrounding caused damage and the said authority is liable to prosecute by taking cognizance of offence for speedy disposal of the case.
7. It is submitted that the said offence took place at Indiramma Flood Flow Canal Project from Sri Ramasagar Project with expansion of Gouravelly reservoir, Gouravelly Village, Akkannpet Mandal, Siddipet Dist., and this Hon'ble Court having jurisdiction to entertain the complaint.

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ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

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Therefore it is prayed that this Hon'ble Court may be pleased to take cognizance of offence and issue notices to the Accused authority and conduct the full-fledged Trial and punish the Accused authority as per law, in the interest of justice and equity.

Date: 13-09-2023

Place: HUSNABAD


Through Counsel


Complainant

ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

VERIFICATION

I the above named Complainant do hereby verified that whatever contents mentioned in the complaint is true and correct to the best of my knowledge and belief. Hence this verified on this the 13th day of September, 2023 at Husnabad.

Date: 13-09-2023

Place: Husnabad

Through Counsel


Complainant

ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

LIST OF DOCUMENTS:

1. Lr. No. 1/TSPCB/EC/General/SDPT-37/2014-75 dated 05-07-2023
2. Lr No. 1073/For.III/A2/2023 dated 02-06-2023
3. Order No. SEIAA/TS/OL/SDPT-37/2021-651 dated 03-03-2023
4. Agenda notes for the SEAC meeting to be held on 03-01-2023
5. Minutes of the SEAC meeting held on 03-01-2023
6. Agenda notes for the SEIAA meeting to be held on 04-02-2023
7. Minutes of the SEIAA meeting held on 04-02-2023
8. Order No. SEIAA/TS/-OL/SDPT-37/2022 dated 15-02-2023

Date: 13-09-2023

Place: Husnabad


Through Counsel


Complainant

ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, R.C.Puram
Sangareddy Dt. 502 032.

IN THE COURT OF THE HON'BLE
JUDICIAL FIRST CLASS MAGISTRATE AT
HUSNABAD

C.C.No. of 2023

Between:

Telangana State Pollution Control
Board,
Represented by the Environmental
Engineer,
Kumar Pathak,

....Complainant

AND

Indiramma Flood Flow Canal Project
from Sri Ramasagar Project with
expansion of Gouravelly reservoir,
Rep. by its Engineer-in-Chief
(Irrigation)
Sri B. Shankar,

...Accused

COMPLAINT FILED UNDER SECTION
190 & 200 OF Cr.P.C

Filed on: 13-09-2023

Filed by: Counsel for the
Complainant

Address for service:

M.Govardhan 9849383488
Rajeshwar
Md.Adil
M.Devi
G.Rakesh
K.Venkatesh
Advocates,
Sangareddy.

GOVERNMENT OF TELANGANA
REVENUE DEPARTMENT

B/473/2020

To
The Executive Engineer,
Irrigation Div.No.3, Husnabad.

Office of the
Revenue Divisional Officer, Husnabad
Dt:06.04.2023.

Sir

Sub:-IFFC- Gouravelli Project- Siddipet District- Husnabad Division- Akkannapet mandal- Formation of Gouravelli Reservoir with an Enhanced capacity of 8.23 TMC from 1.410 TMC water including Structures near Gouravelly (V)- Request to furnish payment details of Land Acquisition, Structures and R&R under the Gouravelly Project-submitted - Reg.

Ref:- The Executive Engineer, Div-3, Husnabad instructions,
Dt:24.03.2023.

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I invite kind attention to the reference cited, through which the Executive Engineer, Div-3, Husnabad has requested to furnish payment details of Land Acquisition, Structures and R&R entitlements under the Gouravelly project as of now as the budget report to be send the Government .

In this regard it is to submit that payment details of Land Acquisition, Structures and R&R entitlements under the Gouravelly Project as shown below.

Sl. No	Description	Land coming under acquisition	Acquired	Remarks
Land acquisition & House structures				
1	Submergence area	Ac.3870.10 ¼ Gts Total structures: 817	1.Ac. 3870.10 ¼ Gts and (812) structures are acquired @ Rs.300.91 crores	
Rehabilitation & Resettlement				
1	Project Displaced families	Total No. PDFs: 1122 PAFs: 49	Total incurred budget for providing R&R entitlements to (1117) PDfs & (49) PAFs is Rs.97.88 crs	

As mentioned above Land acquisition payments, R&R payments were made to the concerned of Gouravelli project situated at Gouravelli village of Akkannapet Mandal.

Therefore, it is submitted for your favor of kind information.

Yours faithfully,


Authorized Officer &
Revenue Divisional Officer,
Husnabad.



TELANGANA STATE POLLUTION CONTROL BOARD

Regional Office, Door No: 6-2-166/A, Subashnagar, Nizamabad - 503 002

G.Laxman Prasad, M.Tech.,
Environmental Engineer.

Tele – No: 08462-237774
e- mail: ee-nzb-tspcb@telangana.gov.in
Website: www.tspcb.cgg.gov.in

Lr.No.1527/TSPCB/RO-NZB/EPH/2023- 538

Date: 13 -09-2023

To,
The Integrated Regional Office,
Ministry of Environment, Forests & Climate Change,
3rd Floor, Aranya Bhawan, Opp. RBI, Saifabad,
Hyderabad – 500004.

Sir / Madam,

Sub:- TSPCB–RO–NZB– EPH – I&CAD Department – Flood Flow Canal project from Sri Ram Sagar project with expansion of Gouravelly Reservoir from 1.410 TMC to 8.230 TMC having its components of head regulator at the foreshore of Sri Rama Sagar project with approach channel, Flood Flow Canal (SRSP) & Reverse lift pump house at Mupkal (V&M) of Nizamabad District - **Environmental Public Hearing to be held on 18.10.2023 at 10.30 AM - Display of information to the public – Requested - Reg.**

Ref:- 1) Letter from Superintending Engineer, Irrigation Circle-1, LMD Colony, Karimnagar received by this office on 05.09.2023.
2) Note file approved by the District Collector, Nizamabad District for conduct of Public Hearing on 06.09.2023.

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It is to submit that, the Indiramma Flood Flow Canal Project (IFFC) envisages diversion of flood water from Sri Rama Sagar project (SRSP) is conceived with an objective of irrigating 2,20,000 acres of ayacut in the drought prone areas of erstwhile districts of Karimnagar, Warangal and Nalgonda (present districts Peddapalli, Rajanna Sircilla, Jagtial, Karimnagar, Siddipet, Hanumakonda and Jangaon) in Telangana region.

Further, it is to submit that the Gouravelly Reservoir under Flood Flow Canal Project was initially proposed with 1.410 TMC of capacity near Gouravelly (V), Akkannapet (M), Siddipet District and after formation of Telangana State the capacity of Reservoir was enhanced to 8.230 TMC.

As per EIA Notification' 2006 and its subsequent Amendment dated 28.04.2022 the proposed project comes under River valley category of Schedule-I(C) and considered at SEIAA, Telangana.

20/9/23

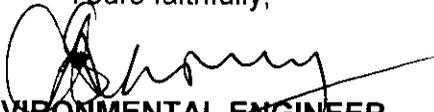
In this regard, Superintending Engineer, Irrigation Circle-1, LMD Colony, Karimnagar has submitted a letter along with ToR issued by the SEIAA of Telangana MoEF&CC, GoI vide letter Dated 15th February, 2023 and Draft EIA, Executive summaries to conduct Public Consultation for the project component pertaining to Nizamabad District i.e Head regulator at the foreshore of Sri Rama Sagar Project with approach channel, Flood Flow Canal (SRSP) & Reverse lift pump house at Mupkal(V&M), Nizamabad District.

In the process of issue of Environmental Clearance, it is required to conduct "Environmental Public Hearing" on the above project to discuss on environmental related issues and to receive suggestions, opinions, views, comments, objections etc. from concerned persons / organizations. The proposed Environmental Public Hearing will be held on **18.10.2023 at 10.30 AM at Venue: Pump house premises of Mupkal(V&M), Nizamabad District** and will be presided over by the Collector & District Magistrate or His representative. A press notification on Public hearing will be issued in Telugu & English daily news papers at least 30 days before the scheduled public hearing date to receive Suggestions, views, comments and objections of the public on Environmental Issues, if any.

Further, I am herewith submitting copies of the Executive Summaries (English & Telugu), Draft EIA of the above said project, along with a soft copy in a CD for kind information to the public.

Hence, it is requested to make necessary arrangements for easy accessibility of above reports and CD to the concerned persons / Organizations.

Yours faithfully,


ENVIRONMENTAL ENGINEER
ENVIRONMENTAL ENGINEER
T.S. Pollution Control Board
Regional Office, Nizamabad.

Encl: 1. Executive Summaries (English & Telugu),
2. Draft EIA & CD.

I/54175/2023

L-11011/11/2021-IA-I (RV)
Government of India
Ministry of Environment, Forest & Climate Change
(Impact Assessment Division)

2nd Floor, Agni Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003
Tele: 011-20819283
E-mail: saurabh.upadhyay85@gov.in

Date: 27th September, 2023

To,

Deputy Director General of Forests (C)
Integrated Regional Office, Hyderabad
3rd Floor, Room No. 309, Aranya Bhawan, Opp. RBI, Safiabad
Hyderabad, Telangana – 500 004
E-mail: iro.hyderabad-mefcc@gov.in

Sub: Original Application No. 56 of 2023 in the matter of Baddam Bhaskar Reddy and Ors. vs Union of India & others tagged with Miscellaneous Application No. 4 of 2023 in Original Application No. 180 of 2021 in the matter of Baddam Raji Reddy and Ors. vs Union of India & others before the Hon'ble National Green Tribunal (SZ), Chennai- Compliance of Hon'ble NGT order dated 28.08.2023-reg.

Sir,

This is with reference to the aforesaid subject matter, wherein it was contended that the construction of the impugned project, namely, "Expansion of Gouravelli reservoir, from 1.410 TMC to 8.23 TMC, which is one of the reservoirs proposed to be constructed by the Project Proponent under the Flood Flow canal Project (FFC Project)" requires Environmental Clearance under list 1(c) of the schedule in EIA Notification, 2006. Further, it was also alleged that the State of Telangana is in gross violation of the provisions of EIA Notification, 2006 and final order dated 10.02.2022 passed in OA No 180 of 2021 by this Hon'ble Tribunal wherein it was directed to not continue with the construction of the project without obtaining fresh EC. The SEIAA, Telangana has accorded Terms of Reference vide letter dated 15.02.2023. (**copy enclosed**).

2. In the aforesaid matter, the Hon'ble Tribunal vide its order dated 28.08.2023 (**copy enclosed**) have passed the following directions:

"The MoEF&CC is the authority to issue an Environmental Clearance in this case, as it involves the interstate river project. Therefore, we direct the MoEF&CC to furnish a detailed report, including the satellite images of the project site taken from the year 2022 and in particular, after the orders of this Tribunal in Original Application No.180 of 2021 (SZ) [Baddam Raji Reddy & Ors. vs. Union of India & Ors.] and institution of this Original Application and the progress made by the project proponent. Let the MoEF&CC also mention

I/54175/2023

about the action taken by them, as admittedly, the application for grant of Environmental Clearance is pending with them under the violation category.

The matter is now fixed for 04.10.2023.”

3. In view of the above, it requested to obtain the coordinates of the project site and get the high resolution satellite images of the project site from the year 2022 onwards for the following dates from National Remote Sensing Centre, Indian Space Research Organization, Telangana and submit the same at earliest by 29.09.2023:
 - i. 01.02.2022 [prior to the order of the Hon'ble NGT (SZ) in OA No 180 of 2021]
 - ii. 10.02.2022 [on the date of the order of the Hon'ble NGT (SZ) in OA No 180 of 2021]
 - iii. 01.03.2022, 01.09.2022 and 01.03.2023 [after the orders of the Hon'ble NGT (SZ) in OA No 180 of 2021]
 - iv. 04.05.2022 [on the date of the institution of OA No. 56 of 2023]
 - v. 01.07.2023 and 01.09.2023 [after the institution of OA No. 56 of 2023]
4. This issues with the approval of the Competent Authority.

Yours faithfully,

Signed by

Saurabh Upadhyay
Dr Saurabh Upadhyay
Date: 27-09-2023 18:25:59

Encl.as above

Copy to:

- i. The Director, National Remote Sensing Centre, Government of India Annaram Village, Road, Shadnagar, Telangana-509216 Phone: 040-23884001, 08542225500, Email ID: director@nrsc.gov.in.
- ii. The Chairman, Telangana State Pollution Control Board, NH65, MRF Colony, RC Reddy Colony, Ramachandra Puram, Hyderabad – 502032 Phone: +91-(040)23815630 Email ID: chief.advisor@telangana.gov.in; ms-tspcb@telangana.gov.inGuard file.