

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

Original Application No: 182 OF 2020

Dr.NagamJanardhan Reddy &Ors

.....Applicants

-Vs-

State of Telangana& Others

.....Respondents

REPLY FILED BY THE THIRD RESPONDENT

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Certified that the above copies are true to that of their respective originals.

Dated at Chennai on this day of 31st March, 2021


COUNSEL FOR THIRD RESPONDENT

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

Original Application No. 182 of 2020

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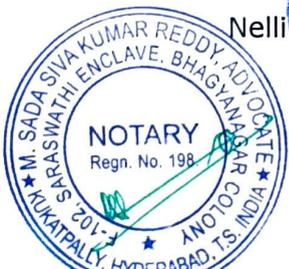
State of Telangana & Ors

...Respondents

REPLY FILED BY THE THIRD RESPONDENT

The third respondent states as follows:-

1. The third respondent denies all the allegations, averments and statements contained in the Application as false and incorrect, excepting those specifically admitted herein.
2. It is respectfully submitted that the above application has been filled praying to declare the action / inaction of the respondents as illegal and against the provisions of Environment (Protection), Act, 1986, Water (Prevention & Control of Pollution), Act, 1974, Bio Diversity Act and Solid Waste Management Rules of 2016 and to direct the Respondents to conduct detailed study on adverse effects caused due to dumping of pollutants, Construction Waste, illegal encroachments in Kesarisamudram Minor Irrigation Tank, Tummalakunta Lake at Nellikongda, Puntalakunta and Saddalasaab Kunta at Naganool at Nagar Kurnool of Telangana for taking restoration and remedial measures and to direct the respondents to take stringent action by way of civil and penal action against the polluters, encroachers as per Polluter Pays Principle as per the provisions of Water (Prevention & Control of Pollution), Act and The Prevention of Damage to Public Property Act, 1984 and to direct the respondents to restore the entire 1200 acres of Kesarisamudram Lake Tummalakunta Lake at Nellikongda, Puntalakunta and Saddalasaab Kunta at Naganool at Nagar Kurnool of Telangana and demarcate the FTL and Buffer Zone area for preventing/ removing encroachments and to direct the authorities to assess the quantum of damage caused to environment, flora and fauna in Kesarisamudram Lake Tummalakunta Lake at Nellikongda, Puntalakunta and Saddalasaab Kunta at Naganool at



Nagar Kurnool of Telangana for taking appropriate remedial measures and to pass such or further other orders.

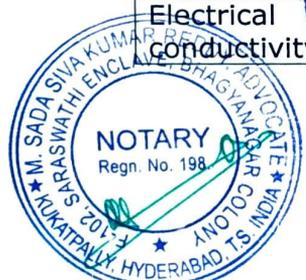
3. As regards the averments in para- 9 are concerned , it is respectfully submitted that the applicant filed the above application alleging encroachment of the Kesarisamudram Lake Tummalakunta Lake at Nellikongda, Puntalakunta and Saddalasaab Kunta at Naganool at Nagar Kurnool of Telangana and pollution caused thereof. In order to ascertain the genuineness of the allegations made in this application this Hon'ble National Green Tribunal, Chennai has appointed a Joint Committee on 06.10.2020 comprising of (1) The District Collector, Nagarkurnool District, (2) Superintending Engineer of Irrigation Department having jurisdiction over the area, (3) Senior Officer from the Telangana Lake Protection Committee, (4) Senior Officer from Telangana Pollution Control Board as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if any violation has been found.

4. It is submitted that the Board Officials have inspected the lake Kesarisamudram and surroundings on 24.11.2020, collected samples from the lake at the inlet and outlet of the 4 lakes on 24.11.2020 and submitted to the Central Laboratory, Hyderabad for analysis. The details of the 4 lakes are as follows:

1. Kesarisamudhram Minor irrigation Tank
2. Tummalakunta Lake
3. Puntalakunta
4. Saddalasaab Kunta

The Central Pollution Control Board (CPCB) has issued water quality criteria for lakes and water bodies. The water quality in the lakes / water bodies is classified into A, B, C, D & E based on the water quality of the lake / water bodies. The classification is as follows:

CPCB Water Quality Criteria					
Parameters	A	B	C	D	E
pH	6.5 – 8.5	6.5 – 8.5	6.0 – 9.0	6.5 – 8.5	6.0 – 8.5
Electrical conductivity	-	-	-	-	Max 2250



CPCB Water Quality Criteria					
Parameters	A	B	C	D	E
Dissolved oxygen	6 or >6	5 or >5	4 or >4	4 or >4	-
BOD 3 at 27°C	2 or < 2	3 or < 3	3 or < 3	-	-
Free Ammonia	-	-	-	1.2 or <1.2	-
SAR	-	-	-	-	Max 26
Boron	-	-	-	-	Max 2
Total coliform	50 or < 50	500 or < 500	5000 or < 5000	-	-

CPCB Water Quality Criteria:

A-Drinking water source without conventional treatment but after disinfection

B-Outdoor bathing (Organized)

C-Drinking water source after conventional treatment and disinfection

D-Propagation of wild life and fisheries

E-Irrigation, Industrial cooling, Controlled Waste disposal

Below E: Not meeting A, B, C, D, E criteria

The details and observation of the individual lakes are as follows:

1. KesariSamudhram Minor irrigation Tank :

Name of the Lake & Location	KesariSamudhram Minor irrigation Tank, NagarkurnoolMandal and District.
Details of the Lake	
(a) GPS Points	N: 16 ⁰ 29'31.0" E: 78 ⁰ 19'12.0"
(b) North-East	Yendabetla Village
(c) East – South	Nagarkurnool to Kalwarkuthy Road followed Agriculture lands
(d) South - West	Agriculture lands
(e) West – North	Nagarkurnool Town



Inlet Sources into the Lake	1) Sewage from Nagarkurnool Municipality 2) Nallavagu and Kalwakurthy lift irrigation overflow 3) Pentoni Cheruvu overflow (Palem) 4) Distributor – 10 (D-10) Kalwakurthy lift irrigation, Tirumalapur village
Outlets	Ultimately joining into the Dindi River.
Nearby Industries, if any.	--
Details of dump nearby lake, if found	Sewage from Nagarkurnool Town joining into the lake.
The Board officials have collected samples from the following locations: 1. Inlet of Kesarisamudram, Sewage from Telephone Exchange Colony, which is major sewage source, Nagarkurnool District. 2. Inlet of Kesarisamudram from Pentoni Cheruvu overflow (Palem). 3. KesariSamudram lake sample, Nagarkurnool Mandal and District.	

- a. There are 4 sources of water flow into Kesarisamudram lakes. The sources are Pentoni Cheruvu overflow (Palem) and Distributor – 10 (D-10) Kalwakurthy lift irrigation, Tirumalapur village was in dry condition, hence the water samples could not be collected.
- b. The officials have collected the water samples at the remaining 2 inlets of Kesarisamudram Lake and also Lake Sample. The outlet of the lake sample could not be collected as there is no over flow from the lake on the day of inspection. The analysis reports of the above 3 locations are as follows:

Sample code : Sample details / collection point

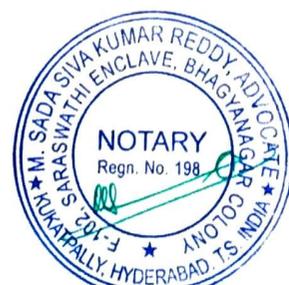
- 11541 - Water sample collected from Inlet of Kesarisamudrdam sewage from Telephone Exchange Colony which is major sewage source, Nagarkurnool District
- 11542 - Water sample collected from Inlet of Kesarisamudrdam from Pentoni Cheruvu overflow (Palem)



11543 - Water sample collected from KesariSamudrdam lake,
Nagarkurnool District

Parameters	Unit	Results		
		11541	11542	11543
pH	-	7.68	8.04	8.43
Electrical conductivity	µS/cm	2075	748	508
Dissolved Oxygen	mg/L	Nil	6.5	6.8
Chemical Oxygen Demand	mg/L	142	20	16
BOD 3 days 27°C	mg/L	36	08	06
Total Suspended Solids	mg/L	18	< 5	< 5
Total Dissolved Solids	mg/L	1218	441	345
Total Hardness as CaCO ₃	mg/L	640	212	144
Calcium as Ca+2	mg/L	149	54	34
Magnesium as Mg+2	mg/L	65	19	15
Nitrates	mg/L	32	9	6
Sodium as Na	mg/L	183	114	80
Potassium as K	mg/L	19	5	4
Boron	mg/L	BDL	0.12	BDL
CPCB water quality criteria class		E	D	D

c. From the above analysis reports, it is evident that Water sample collected from Inlet of Kesarisamudrdam sewage from Telephone Exchange Colony which is major sewage of Nagarkurnool town falls under **E-Class** as per CPCB water criteria classification, which means it can be used for irrigation, industrial cooling, control waste disposal but cannot be used for drinking, outdoor bathing etc.,. The other inlet of Kesarisamudram from Pentoni Cheruvu overflow (Palem) and Lake water samples also falls under **D-Class** as per the CPCB classification which indicates that the water can be used for propagation of wild life



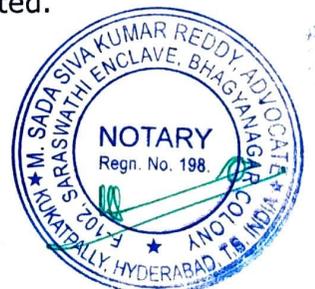
and fisheries and irrigation purpose, but cannot be used for drinking and outdoor bathing.

- d. From the above analysis reports it can be ascertained that the Kesarisamudram lake water falls under **D-class.**, and further during the meeting on 24.11.2020 the Municipal Commissioner, Nagarkurnool has stated that the 2.3 MLD and 3.2 MLD Sewerage Treatment Plants (STPs) are under construction for treatment and disposal of Municipal Sewage generated from Nagarkurnool town and the same will be completed by March, 2021. After the completion and commissioning of the above mentioned 2 Nos of STPs, the water quality of the lake will be improved further as the un-treated sewage will be treated before joining into the lake.

2. Tummalakunta Lake:

Name of the Lake & Location	ThummalaKunta (ChowtaKunta), Nellikonda, NagarkurnoolDistict
Details of the Lake	
(a) GPS Points	N: 16 ⁰ 27'33.0" E: 78 ⁰ 18'52.0"
(b) North-East	Market yard followed by Agriculture land
(c) East – South	Agriculture land
(d) South - West	Open land followed by Nellikonda village
(e) West – North	Private Venture followed by Nellikonda village
Inlet Sources into the Lake	Rain water coming from surroundings of the lake.
Outlets	--
Nearby Industries, if any.	--
Details of dump nearby lake, if found	--

- a. The source of water to this lake is rain water only and there is no other source of water to this lake. At the time of inspection, the lake was in dry condition hence the water sample could not be collected.



3. Puntalakunta Lake:

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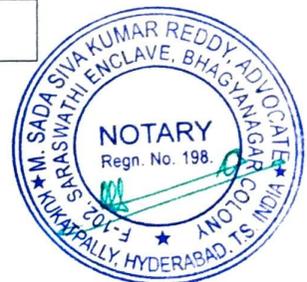
Lake Name & Address	PutnalaKunta(Puntalakunta), Naganool, Nagarkurnool District
Details of the Lake	
(f) GPS Points	N: 16 ⁰ 27'38.0" E: 78 ⁰ 18'55.0"
(g) North-East	Agriculture lands
(h) East – South	Agriculture lands
(i) South - West	Agriculture lands
(j) West – North	Agriculture lands
Inlet Sources into the Lake	Rain water coming from surroundings of the lake.
Outlets	--
Nearby Industries, if any.	--
Details of dump nearby lake, if found	--

a. The source of water to this lake is rain water only and there is no other source of water to this lake. During the inspection, the level of the water in the lake is minimum and there is no overflow from the lake to the downstream. The officials of the Board have collected the water samples of the lake and analysis results are as follows:

Sample : Sample details / collection point code

11545 - Water sample collected from Puntala Kunta, Naganool, Nagarkurnool District

Parameters	Unit	Results
		11545
pH	-	8.44
Electrical conductivity	µS/cm	695

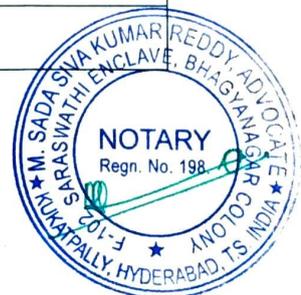


Dissolved Oxygen	mg/L	4.0
Chemical Oxygen Demand	mg/L	45
BOD 3 days 27°C	mg/L	12
Total Suspended Solids	mg/L	< 5
Total Dissolved Solids	mg/L	435
Total Hardness as CaCO ₃	mg/L	188
Calcium as Ca ⁺²	mg/L	34
Magnesium as Mg ⁺²	mg/L	25
Nitrates	mg/L	6
Sodium as Na	mg/L	112
Potassium as K	mg/L	4
Boron	mg/L	BDL
CPCB water quality criteria class		D

- b. From the above analysis reports, it is evident that Water sample collected from lake falls under **D-Class** as per the CPCB classification which indicates that the water can be used for propagation of wild life and fisheries and also for irrigation, however cannot be used drinking and outdoor bathing.

4. Saddalasaab Kunta Lake:

Lake Name & Address	SabaisabKunta(SaddalasaabKunta)near to Naganool, Nagarkurnool District
Details of the Lake	
(a) GPS Points	N: 16 ⁰ 27'30.0" E: 78 ⁰ 18'50.0"
(b) North-East	Nagarkurnool Town
(c) East – South	Agriculture lands followed by Naganool village
(d) South - West	Naganool Town



(e) West – North	Naganool Town
Inlet Sources into the Lake	Rain water coming from surroundings of the lake.
Outlets	--
Nearby Industries, if any.	--
Details of dump nearby lake, if found	--

- a. The source of water to this lake is rain water only and there is no other source of water to this lake. During the inspection, the level of the water in the lake is minimum and there is no overflow from the lake to the downstream. The officials of the Board have collected the water samples of the lake and analysis results are as follows:

Sample code : Sample details / collection point

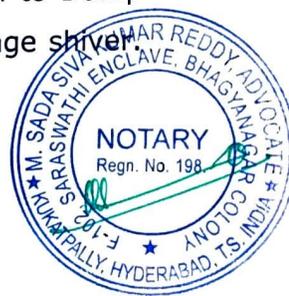
- 11544 - Water sample collected from Sabaisab Kunta (Saddalasab Kunta) near to Naganool, Nagarkurnool District

Parameters	Unit	Results
		11544
pH	-	7.98
Electrical conductivity	µS/cm	1264
Dissolved Oxygen	mg/L	6.9
Chemical Oxygen Demand	mg/L	10
BOD 3 days 27 ^o C	mg/L	2.5
Total Suspended Solids	mg/L	< 5
Total Dissolved Solids	mg/L	747
Total Hardness as CaCO ₃	mg/L	372
Calcium as Ca ⁺²	mg/L	83



Magnesium as Mg+2	mg/L	40
Nitrates	mg/L	28
Sodium as Na	mg/L	27
Potassium as K	mg/L	11
Boron	mg/L	BDL
CPCB water quality criteria class		B

- b. From the above analysis reports, it is evident that Water sample collected from lake falls under B-Class as per the CPCB classification which indicates that the water can be used for outdoor bathing, and also used for drinking after conventional treatment and disinfection.
5. It is respectfully submitted that in view of the above, the sewage source of Kesarisamudram lake is the main source of pollution caused to the lake whereas the other source of water to the lake is Kalwakurthy lift irrigation tank overflow which is fresh water used for irrigation purpose. The un-treated sewage source into Kesarisamudram Lake can be stopped after the construction and commissioning of 2.3 MLD and 3.2 MLD Sewage Treatment Plants (STPs). The water quality in the lake can be further improved from D-class to C or B Class. The source of water to other three lakes (Tummalakunta, Puntalakunta and Saddalasaab Kunta) are rain water only and there is no sewage flow and industrial waste water into the lakes. The water quality can be further improved by avoiding garbage dumping into the lakes and also filling of the lakes with irrigation water.
6. It is submitted that the Municipal Commissioner, Nagarkurnool stated with regard to dumping of Garbage, Construction debris and discharge of untreated sewage into water body vide letter No. G/25/2020 dated: 03.12.2020, that Nagarkurnool Municipality is in production of 13 M Tons of Dry and Wet Solid Waste per day. Solid Waste is collected daily by Door to Door Collection Vehicles (Autos) at the Door Step of the every house hold. So Collected Solid Waste is directly taken to Dump Yard (Extent of Ac.5.00) which is located in Chandaipally village shiver.



It is also submitted that there are 13 such autos and 2 tractors which are taking care of this process daily without fail. There is no chance of dumping Garbage and construction debris into nearby water bodies. Every now and then this process is inspected by Municipal Commissioner to ensure the correct implementation of the same.

7. As regards the averments in para 10-11 are concerned, this respondent denies the allegations made by the applicant that no action was taken by the authority. It is submitted that in respect to the Sewage water, it is discharged into Kesarisamudram through 2 inlets till now. Presently there are 2 STPs under construction near Bus Depot, Nagarkurnool. They are of 2.3 and 3.2 MLD each. Those STPs will be completed by March -2021. Then total sewage water is to be delivered to STPs. After treating so collected effluents and left into feeder channel near bus depot safely. As per Joint Committee Report the Municipal Commissioner, Nagarkurnool stated that the construction of 2 No of STPs (one is 2.3 MLD and other one is 3.2 MLD) will be completed by 31.03.2021. In this regard, the AES - II of this office has inspected along with AEE, Nagarkurnool Municipality on 20.03.2021, the construction of STPs capacity 2.3 MLD & 3.2 MLD near Bus depot Nagarkurnool. The STP Capacity of 2.3 MLD has completed civil works and another STPs capacity of 3.2 MLD is under excavation of soil work is under progress. The officials of TSPCB have collected again the inlet and outlet water samples of below mentioned 4 lakes on 20.03.2021 and submitted to the Central Laboratory, Hyderabad for analysis. The details of the 4 lakes are as follows:

- 1) KesariSamudhram Minor irrigation Tank and also collected inlets of Kesarisamudram, Sewage from Telephone Exchange Colony which is major sewage source, Nallavagu and Kalwakurthy lift irrigation that is overflow from PeddaCheruvuKanapur and PentoniCheruvu overflow (Palem).
- 2) Tummalakunta Lake which has in dry condition.
- 3) Puntalakunta
- 4) Saddalasaab Kunta.



- 8. The third respondent submits that none of the grounds raised by the applicant merits any acceptance by this Hon'ble NGT. As mentioned above this respondent has taken actions and measures to protect the water bodies and the Judgment of the Hon'ble Supreme Court as mentioned in the grounds is not applicable and irrelevant in the facts and circumstances of this case and such the application deserves to be dismissed in limini.
- 9. Therefore, it is most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above application and pass such further or other orders and thus render justice.

Dated at Hyderabad on this the 26th day of March, 2021.

Counsel for 3rd Respondent

3rd Respondent
 MEMBER SECRETARY
 T.S. Pollution Control Board
 Paryavaran Bhavan, A-3, I.E.,
 Sanathnagar, Hyderabad-18.

VERIFICATION

I, Neetu Kumari Prasad, I.A.S., Member-Secretary of the 3rd Respondent Board, i.e., Telangana Pollution Control Board, do hereby verify that what are all stated above are true and correct to the best of my knowledge and as per records available in the office.

Verified at Hyderabad on this the 26th day of March, 2021.

3rd Respondent
 MEMBER SECRETARY
 T.S. Pollution Control Board
 Paryavaran Bhavan, A-3, I.E.,
 Sanathnagar, Hyderabad-18.



ATTESTED

**M. SADA SIVA KUMAR REDDY, B.Com., B.L.,
 ADVOCATE & NOTARY**
 Appointed by Govt., India
 G.O. Ms. No. 198, Rev (Regn-II), dt. 11.04.2000
 102, Saraswathi Enclave, Bhagyanagar Colony,
 Kukatpally, Hyderabad, T.S., India. (Ph: 98480 44395)

**BEFORE THE NATIONAL
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O. A. No: 182 OF 2020

REPLY FILED BY THE 3rd RESPONDENT

T.SAI KRISHNAN

COUNSEL FOR 3rd RESPONDENT