

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI
Original Application No 212 of 2021**

IN THE MATTER OF

State of Andhra Pradesh,

Represented by its Secretary,
Water Resources Department, Secretariat
Velagapudi, Guntur district,
Andhra Pradesh-522503.

Mail:cs@ap.gov.in

Phone: 0863-2444461

....

Applicant

-VS-

1. Union of India

Represented by its Secretary,
Ministry of JalShakti,
Shram Shakti Bhavan,
NewDelhi110001

Mail:secy-mowr@nic.in

Phone:011-24695262,24695265 and 4 others Respondents

**REJOINDER AFFIDAVIT FILED BY THE APPLICANT TO
COUNTER AFFIDAVIT FILED BY THE 5TH RESPONDENT
DATED 04.12.2021**

Date-8-12-2021



**M/S MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNCIL FOR GOVERNMENT OF
ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

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.... **Respondents**

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3. National Board of Wildlife,

Represented by its Chairman,
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4. Krishna River Management Board,

Represented by its Member Secretary,
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5. State of Telangana,

Represented by its Chief Secretary,
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Hyderabad-500022.
Mail:cs@telangana.gov.in
Phone:040-2345262

.....Respondents

**REJOINDER AFFIDAVIT FILED BY THE APPLICANT TO
COUNTER AFFIDAVIT FILED BY THE 5TH RESPONDENT
DATED 04.12.2021**

I, Kanuboddi Atchyutha Srinivasa Reddy, S/o Sri. Anjaneyulu, aged about 58 years, Occ: Chief Engineer, IS &WR, Water Resources Department, Government of Andhra Pradesh, R/o Vijayawada, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the Chief Engineer, Inter State & Water Resources, Water Resources Department, Government of Andhra Pradesh and I am well acquainted with the facts of the case and I am authorised to affirm this Rejoinder Affidavit on behalf of the Applicant State. I have read the COUNTER affidavit filed BY 5TH RESPONDENT and it does not disclose any valid grounds for granting any relief prayed therein and I deny the allegations made therein except those that are specifically admitted as hereunder.
2. It is submitted that the allegations in Para 3 of the counter affidavit filed by the 5th Respondent that Dindi Lift Irrigation Scheme envisages to provide water for industrial use and drinking water facility to the most severely fluoride affected areas of Nalgonda, Yadadri Bhuvanagiri and Nagarkurnool districts which are worst drought prone and distressed areas in the State of Telangana is not correct. A perusal of the following

documents would show that the above contention is not correct.

- i. The 5th Respondent State of Telangana has undertaken “Mission Bhagiratha” vide G.O.Rt.No.855 dt: 30.10.2017. The said scheme is completed including the five districts mentioned above and has been providing drinking water for every household throughout the State by utilising 23.44 TMC of Krishna waters and 32.58 TMC of Godavari waters totalling 56.02 TMC.
- ii. In Nalgonda district, there are several reservoirs i.e., Udayasamudram, NSP tail pond, Yellur reservoir etc which are catering both for drinking and irrigation purposes. The details of the projects serving the districts of Nalgonda and Mahabubnagar are as tabulated below:

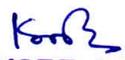
Projects serving in Mahabubnagar and Nalgonda districts

S. No.	Project	Mahabubnagar district		Nalgonda district	
		Utilisation (TMC)	Ayacut (Acres)	Utilisation (TMC)	Ayacut (Acres)
I. Projects protected by KWDT- I @ 75% dependability					
1	RDS	15.9	87,498		
2	Koilsagar	3.9	11,700		
3	Okachettivagu	1.9	6,000		
4	Jurala project	17.84	1,02,200		
5	Bhima LIS	20	2,03,000		
6	Dindi project			3.7	10,000
7	Musi			9.4	37,999
8	NSLC			64.06	4,00,000
9	Minor Irrigation			26.82	56,614
TOTAL (I)		59.54	4,10,398	103.98	5,04,613

II. Projects based on Surplus waters					
1	Nettempadu LIS	25.4	2,28,000		
2	Kalwakurthy LIS	40	3,65,000		
3	SLBC			40	4,00,000
Total (II)		65.4	5,93,000	40	4,00,000
III. New Projects proposed by Telangana					
1	PR LIS	51.21	7,00,000	2.195	30,000
2	Dindi LIS	2.77	31,550	27.23	3,09,950
Total (III)		53.98	7,31,550	29.425	3,39,950
GRAND TOTAL (I+II+III)		178.92	17,34,948	173.41	12,44,563

The above facts would disclose that the present drinking water requirement on the ground of the need to supply water on the fluoride affected area is only a rouse to gain the sympathy of this Hon'ble Tribunal.

iii. The 5th Respondent State of Telangana has projected a new case before this Hon'ble Tribunal contrary to the project notes filed before KWDT-II in its master plan which is filed as Annexure-6 along with the Original Application before this Hon'ble Tribunal. In this project notes, no drinking water requirement is shown. The other document which the 5th Respondent has filed before KWDT-II is the deposition of Dr. K.Palanisami who has computed the Crop water requirement under Dindi LIS as 29.28 TMC against the planned utilisation of 30 TMC. Thus the need projected by the 5th Respondent State of Telangana is not genuine and it has suppressed all these facts.


CHIEF ENGINEER
 Interstate & Water Resources
 Water Resources Department
 3rd Floor, Irrigation Complex, Irrigation Compound
 Governorpet, VIJAYAWADA-520 011.

iv. In Nalgonda and Mahabubnagar districts, the ayacut being served under existing projects as allocated by KWDT-I at 75% dependability are about 5.05 lakh acres and 4.1 lakh acres respectively totalling to 9.15 lakh acres. In addition to above, the 5th Respondent has constructed new projects Nettampadu LIS and Kalwakurthy LIS with an ayacut of 2.28 lakh acres and 3.65 lakh acres in the district of Mahabubnagar. Further, the State of Telangana has also planned new projects without any allocation i.e., i) PR LIS serving 30,000 acres in Nalgonda and 7 lakh acres in Mahabubnagar districts; ii) Dindi LIS serving around 3lakh acres in Nalgonda and 31,550 acres in Mahabubnagar districts and iii) SLBC is serving an ayacut of 4 lakh acres in Nalgonda district.

Thus, the allegation that there is tremendous shortage of drinking waters and farm waters in these districts as these are severely fluoride affected areas are misconceived as the people are not dependent on ground water and they are getting a potable and protected water for their drinking water requirement. About 9 lakh acres are having irrigation facilities and by any stretch of imagination, Nalgonda district cannot be considered as Drought prone area. By constructing PR LIS and

Dindi LIS, the 5th Respondent State of Telangana is planning to irrigate 3.39 lakh acres.

- v. The 5th Respondent State of Telangana has categorically admitted in para 3 that “3.41 lakh acres of Agricultural land will also be supplied water after necessary approvals”. Admittedly, Dindi LIS is undertaken without prior Environmental Clearance as mandated by EIA notification dt: 14.09.2006.
- vi. Para 5 of the Rejoinder filed on behalf of the Applicant State categorically shows that Dindi project is under construction as found by the Joint Committee appointed by this Hon’ble Tribunal in O.A.No. 148 of 2021. Thus, the case projected by the 5th Respondent that there is dire drinking water requirement and the project is undertaken to meet those demands is absolutely incorrect and 5th Respondent State of Telangana is put to strict proof of the same.
3. It is submitted that the total length of Dindi LIS canal from Ulpara barrage to Shivannagudem reservoir is 66.3km including the construction of online and offline reservoirs and that are bifurcated into 4 reaches and seven reservoirs. The networking of canals is carried out through the main canal and is proposed to take water to the ayacut proposed under this

project. It is pertinent to bring to the kind notice of this Hon'ble Tribunal that the Committee appointed by this Hon'ble Tribunal categorically found that there are violations in constructing the PR LIS by misinterpreting the permission given for preconstruction activities. The construction of Dindi LIS is in total violation of EIA notification dt: 14.09.2006 and the 5th Respondent State of Telangana did not even make an attempt to file an application before MoEF & CC. Thus, the entire construction is illegal and unauthorised.

4. It is submitted that the allegations in Para 4(ii) of the Counter Affidavit of the 5th Respondent State of Telangana that

“The water will be drawn from the proposed Veeranjaneya reservoir at Yedula (which is a part of Palamuru Rangareddy LIS). This water would be flood water (Drawn during flood season) and therefore it will not interrupt the flow of the water of the Krishna River”.

are denied and the 5th Respondent State of Telangana is put to strict proof of these allegations. These allegations are made purposefully to mislead this Hon'ble Tribunal.

5. It is submitted that the allegations in Para 4(iii) of the Counter Affidavit of the 5th Respondent State of Telangana that

“The ultimate objective of DLIS is to implement an Irrigation infrastructure in later phase on foundation of the presently envisaged drinking water components under present phase. DLIS as presently planned has no provision for Irrigation. Irrigation requires planning and construction of a network of canals

originating from each proposed reservoir to take water to the surrounding villages. The schematic diagram of DLIS clearly establishes that there are no such distributor ayacut, branch canals envisaged or proposed to be constructed rather the immediate and planned aim of DLIS is provision of drinking water and water for Industrial uses. As far as irrigation is concerned, it is to be carried out at a later stage and also DLIS does not involve construction of dams nor are there any proposed works for production of electricity.”

are hereby denied and the 5th Respondent State of Telangana is put to strict proof of these allegations. The 5th Respondent State of Telangana raising inconsistent pleas contrary to the evidence on record and wish to proceed with unauthorised construction of Dindi LIS.

Hence it is prayed that this Hon'ble Tribunal may be pleased to consider the rejoinder affidavit and allow the above O.A. No.212 of 2021 and pass such other order or orders, as this Hon'ble Tribunal deem fit and proper.

Solemnly affirmed at, Vijayawada
Andhra Pradesh on this the
7th day of December 2021 and
Signed his name in presence


CHIEF ENGINEER
Interstate & Water Resources
Water Resources Department
3rd Floor, Irrigation Complex, Irrigation Compound
Governorpet, VIJAYAWADA-520 002.

BEFORE ME


ADVOCATE, Vijayawada

PENUMAKA AJAY BABU
ADVOCATE MA,LLM.,
HIGH COURT OF A.P.
CELL: 9493494444, 9966370959

VERIFICATION

I, Kanuboddi Atchyutha Srinivasa Reddy, S/o Sri. Anjaneyulu, aged about 58 years, Occ: Chief Engineer, IS&WR, Water Resources Department Government of Andhra Pradesh, R/o Vijayawada, do hereby state that what is stated above in paragraphs 1 to 5 are true to the best of my knowledge and belief.

Dated at Vijayawada on this the 7th day of December 2021.



DEPONENT
CHIEF ENGINEER
Interstate & Water Resources
Water Resources Department
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