

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE BENCH AT CHENNAI**
(Under Section 18(1) read with Sections 14, 15 of National Green Tribunal
Act, 2010)

Original Application No 212 of 2021

IN THE MATTER OF

State of Andhra Pradesh,

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

....

Applicant

-Vs-

Union of India

Represented by its Secretary,
Ministry of JalShakti,
Shram Shakti Bhavan, NewDelhi110001
Mail:secy-mowr@nic.in
Phone:011-24695262,24695265 and 5 others.

....

Respondents

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Date- 29-01-2022

M/S Madhuri Donti Reddy

**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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COUNSEL FOR Applicant state of A.P

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN
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IN THE MATTER OF

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Guntur district,

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Mail:cs@ap.gov.in

Phone: 0863-2444461

..... **Applicant**

-VS-

1. Union of India

Represented by its Secretary,

Ministry of Jal Shakti,

Shram Shakti Bhavan,

NewDelhi110001

Mail:secy-mowr@nic.in

Phone:011-24695262,24695265

2. Union of India

Represented by its Secretary,

Union Ministry of Environment, Forest & CC,

Indira Paryavaran Bhavan,

Jorbagh, New Delhi-110003

Mail:secy-moef@nic.in

Phone:011-24695262,24695265

3. National Board of Wildlife,

Represented by its Chairman,

MoEF& CC, Indira Paryavaran Bhavan,

Jorbagh, New Delhi-110003.

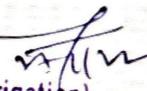
4. Krishna River Management Board,

Represented by its Member Secretary,

Govt. of India, Ministry of Water Resources,

5th Floor, Jalasoudha,

ErrumManzil,


 Engineer-in-Chief (Irrigation)
 Water Resources Department
 VIJAYAWADA. A.P.

Hyderabad-500082.
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 Phone: 040-23301858.

5. State of Telangana,

Represented by its Chief Secretary,
 Secretariat,
 Hyderabad-500022.
 Mail:cs@telangana.gov.in
 Phone: 040-23452620

.....Respondents

**REJOINDER AFFIDAVIT FILED ON BEHALF OF THE
 APPLICANT STATE TO THE COUNTER AFFIDAVIT FILED BY
 THE 2nd RESPONDENT DATED 11.01.2022**

I, C. Narayana Reddy, S/o Late. Chenna Krishna Reddy, aged about 59 years, Occ: Engineer-in-Chief(Irrigation), Water Resources Department, Government of Andhra Pradesh, R/o Vijayawada, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am Engineer-in-Chief (Irrigation), Water Resources Department to the Government of Andhra Pradesh and I am well acquainted with the facts of the case. I am authorised to depose on behalf of the Applicant State. I have read the counter affidavit filed by the 2nd respondent and I beg to submit in reply thereto as follows:
2. It is submitted that the allegations in Paras 2, 3 & 4 are nothing but repetition of the contentions of the Applicant


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State and they need not be traversed to as they are borne out from the record.

3. It is submitted that it is clear from Paras 5 to 9 of the Counter affidavit filed by the 2nd respondent. 'Dindi LIS' is Category 'A' project as per EIA Notification dt:14.09.2006 (as amended on 14.08.2018) since it involves providing irrigation facility to an extent of 3,68,880 Acres equivalent to 1,37,996 ha, thus, it requires '**prior Environmental clearance**' as mandated by the said EIA Notification. It is also clear from the allegations in Para 10 & 11 that the 5th respondent project proponent did not make any application seeking prior Environmental clearance from the 2nd respondent in respect of Dindi LIS.

4. It is submitted that the 5th respondent in Para 4, II, (ii), (iii) of its counter affidavit categorically admitted that it is constructing 9 reservoirs with a capacity of 25.81 TMC which would submerge an extent of 16,344.56 Acres of land with a bund length of 34.72 Km. Thus, such massive construction of Dindi LIS requires '*prior Environmental clearance*' as mandated by EIA Notification dt:14.09.2006 (as amended on 14.08.2018). However, it is clear from Para


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11 of the counter affidavit filed by the 2nd respondent that the 2nd respondent has issued ToR dt:11.10.2017 only in respect of Palamuru Rangareddy LIS(PR LIS) as standalone project and that in the pre-feasibility report of PR LIS submitted by the 5th respondent project proponent to the 2nd respondent did not mention about Dindi LIS. Thus, it is very clear that without even making any application, the 5th respondent project proponent unauthorized started construction of Dindi LIS violating EIA Notification dt:14.09.2006. The Joint Committee in para 5 of its report dt:30.09.2021 filed in OA 148/2021 also stated that the 5th respondent is constructing 'Dindi LIS'.

5. It is submitted that the 5th respondent project proponent has no right to proceed with the construction of Dindi LIS without prior environmental clearance, forest clearance and clearance under National Board of Wild Life(NBWL). It has no right to seek regularization of its unauthorized construction causing damage to the environment and wildlife. It is also categorically held by the Hon'ble Supreme Court that no project proponent can ask for '*ex-post facto environmental clearance*' as the same is alien to environmental jurisprudence. In fact, it is also clear from


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Annexure-R2/4 that the 2nd respondent has issued show-cause notice on 07.01.2022 under Sec.5 of the Environment (Protection) Act, 1986 considering 'Dindi LIS' is an Irrigation project, which would falsify the case of 5th respondent project proponent.

6. It is humbly submitted that the contention of the 5th respondent project proponent that Dindi LIS as proposed presently does not contemplate irrigation since it is merely consists of reservoirs and pipelines(tunnels) in between the reservoirs without any provision for network canals, which are needed for irrigation and presently it would meet its drinking water and industrial needs only is absolutely incorrect in the light of categorical statement made by the 2nd respondent in Paras 12 to 13 of its counter affidavit.
7. It is submitted that this Hon'ble Tribunal vide order dated 22.12.2021 in para 4 is stated as follows:

“Mr.Sanjeev Kumar, Learned Special Government Pleader for State of Telangana submitted that on the basis of the instructions received from Mr. J.Ramachandra Rao, Learned Additional Advocate General, no work is going on in Palamuru Rangareddy Lift Irrigation Scheme and Dindi Lift Irrigation project and direction was given not to proceed with the work and no work is being undertaken, as on the last hearing date in Palamuru Rangareddy Lift Irrigation Scheme matter, this Tribunal had observed that if any


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work is done in violation of the undertaking given before this Tribunal, then the officer responsible has to face consequences and in view of that direction no work is being done'

Thus, the 5th respondent State of Telangana has given the undertaking before this Hon'ble Tribunal that no work is being done in respect of Dindi LIS and PR LIS on the direction of this Hon'ble Tribunal orders, dt.29-10-2006

8. It is submitted that the this context, it is pertinent to bring to the kind notice of this Hon'ble Tribunal that the 5th respondent State of Telangana in violation of its undertaking dt:22.12.2021 that no work going on under Dindi LIS is in view of order dt:29.10.2021 passed in OA 148/2021 is absolutely incorrect. The 5th respondent State of Telangana is proceeding with the construction of Dindi LIS at Veeranjaneya reservoir at Yedula(V). The applicant State of Andhra Pradesh is herewith filing the photographs of the construction activity which is going on with full pace at Veeranjaneya reservoir site, which is common reservoir for both Dindi LIS and PR LIS as per the case of 5th respondent project proponent.
9. It is submitted that the 5th respondent project proponent has violated the undertaking given by it which was


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recorded by this Hon'ble Tribunal in the interim order dated 22.12.2021 passed by this Hon'ble Tribunal and it has deliberately violated the same. Thus, the conduct of the 5th respondent State of Telangana is not only avoiding the scrutiny by the jurisdictional authorities in making unauthorized construction of Dindi LIS but also misleading this Hon'ble Tribunal that it has stopped the construction of Dindi LIS as evident from order dated 22.12.2021.

10.It is submitted that the officials of the 5th respondent project proponent are liable to be punished for their willful and deliberate violation of the undertaking given before this Hon'ble Tribunal on 22.12.2021. Thus, the 5th respondent State of Telangana also committed '*perjury*' in making deliberately misleading statement before this Hon'ble Tribunal that no work is going on at Dindi LIS. It is submitted that the recent photographs showing construction is going on at Veeranjaneya reservoir is herewith filed as **Annexure-1**.

11.It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional reply in the course of proceedings, if required.


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Hence, it is prayed that Hon'ble Tribunal may please to Record the Applicant rejoinder affidavit and allow the above O.A 212 of 2021 and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper.


DEPONENT
 Engineer-in-Chief (Irrigation)
 Water Resources Department
 VIJAYAWADA, A.P.

Solemnly affirmed at Vijayawada,
 Andhra Pradesh on this the
 29th day of January, 2022 and
 signed his name in my presence

BEFORE ME



ADVOCATE,

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

VERIFICATION

I, C. Narayana Reddy, S/o Late. Chenna Krishna Reddy, aged about 59 years, Occ: Engineer-in-Chief(Irrigation), Water Resources Department, Government of Andhra Pradesh, R/o Vijayawada, do hereby state that what is stated above in paragraphs are true to the best of my knowledge and belief.

Dated at Vijayawada on this the^{29th} day of January, 2022.


DEPONENT
Engineer-in-Chief (Irrigation)
Water Resources Department
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Annexure-1

Veeranjaneya reservoir at Yedula

