

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI

M.A.No. 2 OF 2021
IN

ORIGINAL APPLICATION No.71 of 2020 (SZ)

IN THE MATTER OF:

GavinollaSrinivas

H.No.1-99, Bapanpally village
DamarigiddaMandal

-----Applicant

VERSUS

1. **Union of India,**

Rep. by its Secretary,
Union Ministry of Environment, Forest & CC,

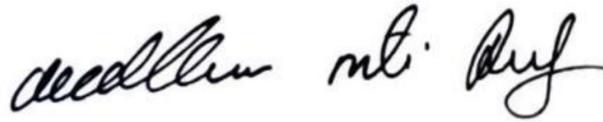
AND 4 others

...

Respondents

REJOINTER AFFIDAVIT FILED BY THE 4th RESPONDENT TO
2ND AND 5TH RESPONDENT COUNTER AFFIDAVIT DATED
22.07.2021

Date-6.08.2021



**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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COUNSEL FOR 4TH RESPONDENT

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

**M.A.No. 2 OF 2021
IN**

ORIGINAL APPLICATION No.71 of 2020 (SZ)

IN THE MATTER OF:

GavinollaSrinivas

H.No.1-99, Bapanpally village
DamarigiddaMandal
Narayanpet District
Telangana- 509407
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-----Applicant

VERSUS

1. Union of India,

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3. State of Telangana,

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Phone No: 04023452620



**J. SYAMALA RAO, I.A.S.,
Secretary to Government
Water Resources Department
A.P. Secretariat, Amaravati.**

4. **State of Andhra Pradesh**

Rep. by its Chief Secretary,
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5. **Krishna River Management Board**

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Mail: Membersecretary-krmb@gov.in
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-----Respondents

REJOINDER AFFIDAVIT FILED BY THE 4th RESPONDENT TO
2ND AND 5TH RESPONDENT COUNTER AFFIDAVIT DATED
22.07.2021

I, Jamjam Syamala Rao, I.A.S., S/o J. Satyanarayana Murthy (Late), aged about 54 years, residing at Vijayawada, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am working as Secretary to Government, Water Resources Department, A.P. Secretariat, Velagapudi, Guntur District. I am well acquainted with the facts of the case. I am authorised to depose on behalf of the 4th Respondent.

2. This respondent denies each and every averment made in the Reply affidavit filed by the 2nd and 5th respondent M.A 2 of 2021 in O.A. No.71 of 2020 dated 22.07.2021 as false and incorrect except those that are specifically admitted herein in this counter affidavit.



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3. In answer to the allegations in Para 1 of the Reply affidavit filed by the 2nd and 5th respondent, it is humbly submitted that in view of dwindling flows into Srisaillam Reservoir and change of inflow pattern into Srisaillam Reservoir, the State of Andhra Pradesh planned to construct Rayalaseema Lift Irrigation Scheme (RLS) originally at Mutchumarri to draw water from the foreshore of Srisaillam Reservoir to realise its allocated share of water made by KWDT-I and KWDT- II and the projects mentioned in Para 10 of Eleventh Schedule of Act, 2014. It is not a "**New Project**" as per Para 7 of Eleventh Schedule of Act, 2014. It does not require any appraisal either by Central Water Commission (CWC) or Krishna River Management Board (KRMB), since there is no new irrigation created under this scheme except supplying water to the existing schemes i.e., 19 TMC to SRBC, 29 TMC to Telugu Ganga, 15 TMC to Chennai drinking water supply and 38 TMC to Galeru Nagari Sujala Sravanthi (GNSS). All are sanctioned projects and they have Environmental Clearances (EC) as well. In fact, no sanction by the Apex Council is required for this project. Annexure-1 was issued by KRMB in pursuance of a private representation by a MP. In the 12th meeting of the KRMB, it was decided that DPR's should be submitted in respect of all the projects undertaken by both the States.



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4. It is submitted that in the 2nd meeting of the Apex Council held on 06.10.2020, it was further resolved that DPR's in respect of all the new projects should be submitted to CWC and the 4th Respondent for their respective appraisals. The Government of Andhra Pradesh submitted DPR of RLS on 11.11.2020 to the 4th Respondent, KRMB. The said DPR was returned on 16.12.2020 for answering certain objections raised by the 4th Respondent. The Government of Andhra Pradesh on 04.01.2021 addressed a letter stating that RLS does not require a detailed examination as per CWC guidelines as there is no new irrigation and water is conducting to existing schemes which have definite allocation under existing awards. The 4th Respondent by letter dt: 08.01.2021 directed the Government of Andhra Pradesh to submit DPR to CWC as per the "**Guidelines of Ministry of JalSakthi for the preparation of DPR for irrigation and multi-purpose projects, 2010**".

5. It is submitted that the Government of Andhra Pradesh after detailed investigation submitted DPR of RLS to CWC on 30.06.2021 and on 01.07.2021 to the 4th Respondent respectively. Whereas, in spite of the several directions given by the 4th Respondent, the State of Telangana did not submit DPR's in respect of various unauthorised projects being undertaken unilaterally. The 4th Respondent did not act/initiate any proceedings to secure DPR's from the State of Telangana. The classic example is the recent unauthorised power draws by the State of Telangana from common



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reservoirs. Because of the inaction of the 4th Respondent, the Government of Andhra Pradesh was constrained to approach Hon'ble Supreme Court to challenge recalcitrant attitude of the State of Telangana in making exclusive power draws in violation of protocols. The 4th Respondent remained as a mute spectator, when precious water is going waste to sea.

6. In answer to the allegations in Para 2 of the Reply affidavit filed by the 2nd and 5th respondent, it is submitted that this Hon'ble Tribunal by order dated 24.02.2021 passed M.A.06 of 2020 in O.A. 71 of 2020, held as follows:

15 “we feel that there is no necessity at this stage for go into the investigation in this matter and the Krishna River Management Board, on the basis of the compliant made by the Telangana Government in this regard, are at liberty to go into the question and if it is found that there is any violation of direction of this Tribunal in proceedings with the matter on the basis of the investigation conducted by them independently, they are at liberty to take appropriate action against the 4th respondent in accordance with law, apart from the applicant to approach this Tribunal at that stage”.

As per Annexure-8, the 4th Respondent KRMB proposed to make a fact finding visit to RLS during the second week of March, 2021 under the guise of the above order. Under Annexure-9, Government of Andhra Pradesh brought to the notice of KRMB that there is no direction of this Hon'ble Tribunal for field visit of the RLS especially when the proposed visit is based on letter dated: 19.10.2020 from the Government of Telangana prior to the passing of the order dated: 24.02.2021. This complaint was



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already rejected by this Hon'ble Tribunal while passing order dated: 24.02.2021 by holding that, no physical inspection is necessary to investigate in to the matter at present.

7. It is further brought to the notice of KRMB that the Government of Telangana unilaterally and indiscriminately constructing several projects i.e., PalamuruRanga Reddy LIS (90 TMC), Dindi LIS (30 TMC), BhakthaRamadas LIS (5.5 TMC), Thummilla LIS (5.44 TMC), Water Grid Project (Mission Bhagiratha) (23.44 TMC), Enhancement of KalwakurthyLIS (15 TMC i.e., from 25 TMC to 40 TMC), Nettampadu LIS (3.4 TMC i.e., from 22 TMC to 25.4 TMC) and SLBC (10 TMC i.e., from 30 TMC to 40 TMC) without any allocation and without having any environmental clearances. In spite of several complaints by the Government of Andhra Pradesh, KRMB did not conduct any joint fact finding visit. It is also brought to the notice of KRMB that since the jurisdiction of KRMB is not notified as on to the date of Annexure-9, every decision has to be taken in a properly convened meeting of the Board and the Chairman of the Board cannot unilaterally decide the composition of the Committee.

8. It is submitted that the Government of Andhra Pradesh took valid objection to the field visit by KRMB since it is not a free visit. It is influenced by the State of Telangana. The constitution of the Committee under Annexure-A10 by the


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Chairman is unilateral and there is no validity for the same. This Hon'ble Tribunal did not direct KRMB to make a field visit on its own. The Government of Andhra Pradesh replied in Annexures A10, A11 and A12 reiterating the above mentioned facts. On similar lines, Annexure-A13 was also replied under Annexure-A14. In the letter dated:18.04.2021, it is also brought to the notice of KRMB the prevailing COVID'19 situation in the State of Andhra Pradesh. In annexures-A7,A8, A10, A11 and A13, KRMB is relying upon the order passed by this Hon'ble Tribunal on 24.02.2021 and nothing is mentioned in these proceedings about any complaint made by the State of Telangana ,these annexure will fall outside the scope of order dated: 24.02.2021 passed in M.A.06 of 2021 in O.A.71 of 2020.

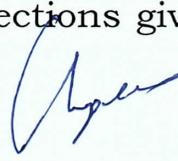
9. In answer to the allegations in Para 7 of the Reply affidavit filed by the 2nd and 5th respondent, it is submitted that it is true that both the successor states have entered into agreement dated: 18-19 June, 2015 filed as Annexure-A15 where under both the Successor States i.e., Telangana and Andhra Pradesh agreed to share 811 TMC allocated to the erstwhile State of Andhra Pradesh by KWDT-I in the ratio of 298.96 TMC: 512.04 TMC. This agreement though for one water year, it is being acted upon in every water year. In the second meeting of the Apex Council, it was decided that this interim arrangement should be continued till KWDT-II answers the reference made under Section 89 of the Act, 2014.



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10. In answer to the allegations in Para 8 of the Reply affidavit filed by the 2nd and 5th respondent, it is submitted that, KRMB addressed Annexure- A17 and A19 yielding to the pressure exerted by the State of Telangana. The State of Telangana with an oblique notice make false and baseless allegations without verifying correct facts. In spite of several representations dated 11.06.2015, 01.08.2015, 10.02.2016, 04.03.2016, 18.04.2016, 01.07.2017, 16.03.2018, 14.05.2020, no action has been taken by KRMB in respect of unauthorised projects of the State of Telangana in contravention of the provisions of Act, 2014. In the 12th meeting of KRMB, once again the Government of Andhra Pradesh had complained about the unauthorised projects undertaken by the State of Telangana and in action in this regard. It was then decided in the said meeting that the State of Telangana has to submit DPR's to KRMB in respect of all the unauthorised projects undertaken in excess of its allocation and get their appraisal and get it sanctioned by Apex Council. Once again a complaint was made by the Hon'ble Chief Minister of Andhra Pradesh regarding the unauthorised projects and proposed utilisations under these unauthorised projects detrimental to the interests of age old projects in the lowest riparian State of Andhra Pradesh.

11. It is submitted that the Apex Council in its second meeting dated: 06.10.2020 directed that DPR should be submitted immediately for appraisal by KRMB and CWC and sanction by Apex Council. In spite of the several requests and the directions given by



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the 1st Respondent, no action is forthcoming. KRMB did not make any fact finding visit in respect of unauthorised projects being undertaken by the State of Telangana. KRMB under the guise of the order dated: 24.02.2020 wants to make a visit of RLS alone. No attempt is made by KRMB to make similar fact finding visit in respect of unauthorised projects of the State of Telangana being constructed by it offending the Environmental Law and Act, 2014. The Government of Andhra Pradesh has high respect for KRMB and obeyed several orders passed by KRMB. The Government of Andhra Pradesh has requested for postponement of the visit for a valid reason mentioned in the above referred communications.

12. It is submitted that the Government of Andhra Pradesh has already submitted DPR to KRMB and also to CWC. A perusal of DPR would indicate that it is not a new project and the project is undertaken only to realise its allocated share as explained above. It is also informed to this Hon'ble Tribunal that the Government of Andhra Pradesh did not violate any order passed by this Hon'ble Tribunal much less order dated 29.10.2020. The work undertaken by the Government of Andhra Pradesh is only in respect of survey and investigation and for studying the impact of the geological factors pointed by the experts and to weed out the doubts relating to these technical aspects. Thus, the allegations made in this paragraph that KRMB could not visit RLS despite series of its efforts is not true. KRMB did not show equal anxiety making a fact finding



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visit in respect of the unauthorised projects undertaken by the State of Telangana.

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

In the above circumstances, it is prayed this Hon'ble Tribunal may be pleased to consider this Rejoinder affidavit before passing appropriate orders in the above miscellaneous application and pass such other order or orders as deem fit and proper.



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Solemnly affirmed at Vijayawada,
Andhra Pradesh on this the
6th day of August, 2021 and
signed his name in presence

BEFORE ME



ADVOCATE, Vijayawada
PENUMAKA AJAY BABU
ADVOCATE M.A., L.L.M.,
HIGH COURT OF A.P.
CELL: 9493494444, 9966370959