

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.260 of 2020 (SZ)

IN THE MATTER OF:

Beerla Ilaiah.

.....Applicant

Versus

State of Telangana and Ors.

.....Respondent's

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Ministry of Environment, forest and climate change
IRO, Hyderabad-Telangana State.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO. 260 OF 2020 (SZ)**

IN THE MATTER OF:

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State of Telangana and others

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**REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE O.A. No.
260 OF 2020 IN THE MATTER OF BEERLA ILAIAH VS STATE OF
TELANGANA AND OTHERS BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, SOUTHERN ZONE, CHENNAI**

Place: Hyderabad

Date: 31.08.2021

Report of the Joint Committee constituted in O.A. 260 of 2020 in the matter of Beerla Ilaiah vs State of Telangana and Ors, in Hon'ble, NGT(SZ), Chennai in the order dated 02.07.2021.

Background:

The Hon'ble National Green Tribunal, Southern Zone, Chennai vide order dated 17.12.2020 appointed a Joint Committee comprising the members of (1) The District Collector, YadadriBhuvanagiri District of Telangana State **or** a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate deputed by the District Collector, (2) a Senior Officer from Ministry of Environment, Forests and Climate Change, (MoEF& CC) Regional Office, Chennai, (3) Senior Officer from Telangana State Environment Impact Assessment Authority (TSEIAA) (4) The Superintending Engineer of Telangana State Roads & CRN Roads & Buildings Departments, who is in charge of this project and (5) Senior officer from minor irrigation department of state of Telangana who is in charge of that area, to inspect the area in question and submit a factual as well as action report, if there is any violation found.

Constitution of the Joint Committee:

In compliance with the directions of the Hon'ble NGT, the Joint Committee has been constituted vide letter No. EP(A)/NGT(SZ)/077 /TS/2021/05 dated 22.02.2021. Joint Committee comprising the following members based on the Officers deputed/ nominated from the Authorities concerned:

- i. Shri. D. Srinivas Reddy, Additional Collector (Revenue),
YadadriBhuvanagiri District.
- ii. Shri. V. Srinivas, Superintending Engineer,
Irrigation Circle, Bhongir.
- iii. Shri. Vasanth Nayak, Superintending Engineer,

R&B Circle,Sangareddy

iv. Shri. G.Gangadhar, JCEE, TSPCB/Secretary,
State Expert Appraisal Committee (SEAC),

v. Dr. E. Arockia Lenin, Scientist C,
Integrated Regional Office, MoEF&CC, Hyderabad.

Submission of Joint Committee Report dated 30.06.2021:

The Joint committee has submitted its first report dated 30.06.2021 to Hon'ble NGT, SZ, Chennai along with recommendations for restoration of Oora Kunta. Subsequently, Hon'ble NGT, SZ, Chennai order dated 02.07.2021 has issued additional terms of reference, directing Joint committee to submit detailed report. In compliance with the said order of Hon'ble NGT, Joint committee, the meetings of the Joint Committee were held on 17.08.2021 & 26.08.2021. Further, clarification was sought from the MoEF&CC, GoI and State Government of Telangana to explain their stand for formation of ring road. The observations are given below:

Observations of Joint committee based on the directions issued by the Hon'ble NGT, SZ, Chennai order dated 02.07.2021:

1. Prior Requirement of Environmental clearance for Laying of six lane ring road:

- At, vide para 6 of page 12, the Hon'ble NGT questions the prior requirement of Environmental Clearance for laying of six lane road around Yadagirigutta Temple at YadadriBhuvanagiri District. In this regard, the meetings of Joint Committee were held on 17.08.2021 & 26.08.2021. Further, clarification was sought from the MoEF&CC, GoI and State Government of Telangana to explain their stand for formation of ring road. Based on the submissions from concerned authority, Joint Committee understood that, the proposed project neither falls under National Highway nor State Highway; it is Major District Road (MDR) governed by local authority. Therefore, it is submitted that as per EIA notification, 2006 and subsequent amendments, the requirement of

environmental clearance for the formation of six lane ring road is not under the purview of EIA notification 2006 (the copy of communication received from MoEF&CC and R&B Department, Telangana State-**Annexures 1 & 2**).

2. Environmental damage assessment and Compensation:

- At, para 6 of page 12 and para 7 of page 13, the Hon'ble NGT directs the Joint committee to assess the damage and environmental compensation to rectify the damages caused to the environment. In this regard, the Joint Committee observed that as of now, the removal of debris dumped adjacent to Oorakunta is under progress. Project authority is agreed to remove debris within two months. Further, a proposal on "Assessment of the contamination status and environmental damages of Oora Kunta Cheruvu, Yadagiripally, Telangana" is submitted by CSIR, NEERI, Hyderabad Zonal Centre(HZC), Hyderabad on the request of Joint committee. CSIR, HZC has sought Rs.22.75 Lakhs budget and four months time period to complete the damage assessment study (the copy of the proposal is enclosed herewith for kind perusal-**Annexure-3**).

3. Execution and Supervision of Project work:

- At, para 7 of page 13, the Hon'ble NGT questions that the State Government is also expected to explain their stand as to whether it is state project and supervised by the state of Telangana and who is undertaking the work on behalf of the Yadagirigutta Temple Development Authority (YTDA) constituted, who has to lay the road and maintain it. In this regard, it is submitted that execution, maintenance and supervision of proposed ring road project are by the Roads and Buildings Department, Government of Telangana.

4. Status of Construction and the requirement of Prior Environmental Clearance:

- At, para 7 of page 13, the Hon'ble NGT questions that even if it is a township and the road is formed as part of the township, then also they will have to

explain as to what is the extent of construction and whether they are falling within the category provided under Schedule-I of the EIA Notification, 2006, so as to ascertain as to whether such projects require prior EC before launching scheme. In this regard, the project authority has submitted that construction of Presidential suit and VVIP cottages in an extent of 13.25 acres with built up area of about 11,193 Sq.m on Yadagirigutta-Cheriyal Road is in completion stage. YTDA has granted approval for these constructions. As per EIA notification - 2006, and subsequent amendments, these constructions will not come under the purview of said notification, as the total built up area of constructions is less than the requirement of obtaining prior EC.

5. Proposed township area of Temple city and prior requirement of Environmental clearance:

- At, para 10 of page 14, the Hon'ble NGT questions that Joint Committee has not mentioned anything about the details of the project of the Township envisaged by the YTDA. In this regard, it is submitted that YTDA has submitted a proposal for construction of town ship i.e., 'Yadagirigutta Temple city' in Survey Nos. 119 to 148 & 151 to 160, Datharpally (V); Survey No. 159 to 173 Gundlapally village and Survey No. 64 Mallapur Village in Yadagirigutta (M), YadadriBhuvanagiri district". They have applied for grant of Terms of Reference (TOR) for preparation of EIA & EMP seeking prior EC. The SEIAA, Telangana, in its meeting held on 23.08.2021 recommended the proposal for grant of Terms of Reference (TOR) (vide proposal No. SIA/TG/MIS/66110/2021). It is highlighted that this proposes proposal submitted by YTDA for prior Environmental Clearance does not include the constructions which are already taken up by R&B department at Yadagiripally village.

6. Status of branching of internal roads:

- At, para 10 of page 14, the Hon'ble NGT directs the Joint committee that the committee also has not mentioned anything about the status of the road from which a ring road is branching off as part of the development project for the temple by name Sri Lakshmi Narasimha Swamy Vari Devasthanam. In this regard, it is submitted that the total length of ring road is 5.2km. The following Major District Road (MDR) belongs to Roads and Building department, connecting different districts around the temple town i.e, 1. Yadagirigutta to Wangapally road from Southern side, 2. Yadagirigutta to Cherial road from Eastern side, 3. Yadagirigutta to Raigiri road from Western side, 4. Yadagirigutta to Dhurkapalli road from Northern side. The total length of four MDR roads about 2.80 km length are annexed and upgraded as part of ring road.

7. Opinion of Joint Committee for the damage assessment and compensation:

- Joint committee has addressed the project authority to initiate the necessary process immediately such as financial and any other assistance required by CSIR, NEERI to carry out the damage assessment study. In the mean time, the project authority may be directed to clear the remaining dumping of debris left on the side of Oorakunta Cheruvu within stipulated time, and start to implement the recommendations made by Irrigation department and joint committee in the previous report submitted to Hon'ble NGT for immediate restoration of the Oorakunta Cheruvu. Therefore, the joint committee feels that it is appropriate to recommend compensation based on the outcome of proposed study by CSIR, NEERI.

In these circumstances, the Hon'ble NGT may direct appropriate action as deemed fit.

S.No	Details of Joint Committee Member	Signature
1	Shri. D. Srinivas Reddy, Member Additional Collector (Revenue), YadadriBhuvanagiri District.	 ADDITIONAL COLLECTOR, (REVENUE) (FAC) YADADRI BHUVANAGIRI DISTRICT. <i>D. Srinivas Reddy</i>
2	Shri. V. Srinivas, Member Superintending Engineer, Irrigation Circle, Bhongir.	
3	Shri. Vasanth Nayak, Member Superintending Engineer, R&B circle, Sangareddy	
4	Shri. G. Gangadhar, Member JCEE, TSPCB/Secretary, State Expert Appraisal Committee (SEAC),	
5	Dr. E. Arockia Lenin, Member & Nodal Agency, Scientist C, IRO, MoEF&CC, Hyderabad	

F.No. 19-53/2020-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
IA-III (Infra 1) Division

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi - 3
Date: 25th June, 2021

To-
Dr. E. Arockia Lenin
Scientist C
Integrated Regional Office
Ministry of Road, Transport & Highways
Aranya bhavan, Hyderabad – 500 004, Telangana

Subject: Seeking clarification on the requirement of Environmental Clearance for laying of Green Field 5.20 km long 60 meters wide Six Lane Ring Road around Yagagingirigutta Laxmi Narasimha Swami hills at Yadagirigutta of Yadadri Bhuvanagiri District in Telangana State by the Government of Telangana - Reg.

Sir,

This has reference to your Letter No. EP(A)/NGT(SZ)/075/ts/2021/22 dated 15th June 2021 regarding the clarification on requirement of environmental clearance for the aforementioned project.

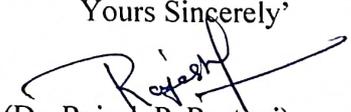
2. As per EIA Notification, 2006, as amended, Highways/Expressways are covered under the schedule of EIA Notification 2006, with following criteria.

Sl	Item	Cat-A	Cat-B	Conditions if any
(1)	(2)	(3)	(4)	(5)
7(f)	Highways	i) New National Highways; and ii) Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignment and 60 m on re-alignment or by-passes	i) All New State Highway Projects; ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas ¹ .	General Condition shall apply Note: Highways include expressways.

3. In view of the above, the proposed proposal may be considered accordingly as per rule positions under the EIA Notification, 2006 and as amended.

This issues with the approval of the Competent Authority

Yours Sincerely'


(Dr. Rajesh P. Rastogi)
Scientist - C

**GOVERNMENT OF TELANGANA
ROADS AND BUILDINGS DEPARTMENT**

From;
Sri. G.Vasant Naik, BE, MBA,
Superintending Engineer (R&B)
Circle, Sangareddy

To:
Dr. Arockya Lenin,
Scientist 'C', IRO,
Ministry of Environment Forest
& Climate change,
Hyderabad - Telangana

Lr. No.PA/T3/YTDA/NGT/2021-22,
Sir,

Dt:19.08.2021

Sub:- (R&B) – Hon'ble NGT (SZ) Order dated 02.07.2021 in the matter of Beerla Ilaiah vs State of Telangana and Others – Construction of 6 Lane Ring Road around the temple of Yadagirigutta Laxmi Narasimha Swami Hills - Reg.

Ref: 1. O.A.No.260 of 2020 Hon'ble NGT, SZ, Chennai Order, Dt.02.07.2021.
2. Scientist 'C', IRO, Ministry of Environment Forest and Climate change File No.EP (A)/IRO-HYD/NGT (SZ)/075/2021/44 , Dt.12.08.2021.

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Adverting to the reference 2nd cited, I am herewith submitting the factual reports to the points mentioned as follows:

1. This project work neither falls under National highway nor Express Highway and it is only up gradation of existing road in built-up area and within Plain Lands on outskirts.
2. The proposed ring road is 5.2 km length, branching and connecting Major District Road (MDR) belongs to R&B department, i.e, (1) Yadagirigutta to Wangapally road from Southern side, (2) Yadagirigutta to Cheriyal road from Eastern side, (3) Yadagirigutta to Raigiri road from western side, (4) Yadagirigutta to Dhurkapalli road from Northern side. All together about 2.80 length is upgraded as part of ring road.
3. This project pertains to Telangana State Government and supervised and maintained by Roads and Buildings Department of Govt. of Telangana.
4. Construction of presidential suite and VVIP cottages to extent of 13.25 acres with build up area about 11,193 sq.mts on Yadagirigutta-Cheriyal Road is in completion stage..
5. No hilly terrain involved in this Project Ring Road FRL is varying from 407.234 to 431.545mts of MSL
6. No ecologically sensitive areas located in this area.

Yours faithfully,


Superintending Engineer (R&B),
Circle Sangareddy
19/8/21

1. Copy submitted to the Vice Chairman & CEO, YTDA, for favour of kind information.
2. Copy submitted to the Engineer-in Chief (R&B) SR & CRN, Hyd, for favour of kind information.
3. Copy submitted to the Engineer-in Chief (R&B) Buildings & NH, Hyd, for favour of kind information.
4. Copy to Executive Engineer (R&B) Yadadri, Buwanagiri district, for information.
5. Copy to Executive Engineer (R&B) special Division, Yadadri for information.

Assessment of the contamination status and environmental damages of Oora Kunta Cheruvu, Yadagiripally, Telangana

Sponsor: Roads and Buildings (R&B) Department, Telangana State



**CSIR-National Environmental Engineering Research Institute (NEERI)
Hyderabad Zonal Centre (HZC)
Uppal Road, Hyderabad – 500007**

August 2021

Assessment of the contamination status and environmental damages of Oora Kunta Cheruvu, Yadagiripally, Telangana

Part A: Technical Component

1.0 Preamble

Oora Kunta Cheruvu Kunta is a fresh water body located at Yadagiripally, Yadagirigutta Mandal, Yadadri Bhongir District. As per irrigation records, the total ayacut area of this Oora kunta is 14.01 acres. The capacity of the tank is 1.17 million cubic feet (mcft). The FTL of the tank is 5 acres. The length of the bund is 300m. This tank receives water from the upper tank located from 1.5km. Further, two hillocks are located around the upper tanks which serve as the catchment area to supply water to the downstream area of Oora kunta cheruvu. Further, it was observed that these tanks receive water mainly during rainy season and as per Google earth images it shows that agricultural activities existed before construction activities between two water bodies.

The Yadadri project is laying of six lane ring road around the temple of Yadagiriguta Laxmi Narasimha Swami Hills having the distance of 5.20km long green field alignment by State Government of Telangana in Yadagiriguta of Yadadiri Bhuvanagiri district. The proposed alignment is new alignment passing nearby National Highway 163. Proposed alignment is affecting FTL of Oora kunta which is notified water body as per irrigation records. Presently, Soil debris has been kept inside of FTL of the Oora Kunta. As the FTL of the lake is affected due to unloading of soil debris, the applicant approached Hon'ble NGT to stop the further filling of soil in the buffer zone as it affects the ecosystem of the lake.

In these circumstances, the joint committee has been constituted as per direction of Hon'ble NGT vide order dated 17.12.2020. Site visit of joint committee has been carried out on 25.02.2021. In compliance with the Order dated 17.12.2020 of Hon'ble NGT in the above matter, Joint Committee Constituted vide letter No. EP (A) NGT (SZ) / 077 / TS / 2021/05, dated 22.02.2021. The meeting of the Joint Committee was held on 25.02.2021 at District Collectorate, Yadadri Bhuvanagiri District. In the meeting, it was proposed in the meeting to engage CSIR-NEERI for assessment of environmental damages and contamination status of the lake. In this

regard, MoEFCC approached CSIR-NEERI, Nagpur and Hyderabad Zonal Centre to conduct environmental damages cost assessment and assess the pollution status. Accordingly, the following objectives and scope of work are proposed.

1.1 Objectives

- To collect and analyse the baseline and post impact data of lake water and sediment pollution parameters
- To assess existing environmental quality data for Lake water and sediment
- To collate and finalize various economic methods which can be utilized for monetary damage assessment
- To collect data for primary assessments related to economic assessments and utilization of econometric tools for finalization normalized value
- To carry out damage quantification by analysing its extent, severity, and duration in terms of any alteration, deterioration, destruction made by the source upon the environmental elements or to the services they provide by comparing it with the permissible limits of pollutants available and based on the monitored data regarding the quality parameters of the same
- To estimate the environmental damage cost for water, land and other environmental elements associated with the damage by adopting appropriate procedure to value the loss monetarily

1.2 Scope of Work and Methodology

The salient features of the study are as follows:

- Collection of the existing data from TSPCB, CGWB and delineation of groundwater hydrology and geology based on secondary data will be carried out.
- Assessment of the lake boundary and the land use land cover changes will be delineated
- The encroachment status of the lake will be ascertained if any
- Collection of lake water samples from the lake and analysis will be carried out for physico-chemical parameters, DO, COD, BOD and heavy metals, oil & grease

- Groundwater samples will be collected from the identified locations around the lake and will be analysed for the physico-chemical parameters, DO, COD, BOD and heavy metals, oil & grease
- Bioassay test of lake water samples to understand the level of toxicity if any
- Sediment samples will be collected from the approachable locations in the lake and will be analysed for Physico- Chemical Parameters viz. pH, Conductivity, Particle size distribution, Total Organic Carbon, Total Nitrogen and Total Phosphorous, and trace elements (As, B, Ba, Cd, Co, Cr, Cu, F, Fe, Hg, Mn, Ni, Pb, Zn)
- After establishing the baseline and post impact data, the assessment in terms pollution load discharged into the lake can be valued using various methods such value transfer method, direct pricing method and/or contingent value method. The difference in terms of pollution parameters including BOD, COD, Nitrogen, Phosphorous and heavy metals can be valued using various economic methods.
- Similar to water, assessment of monetary value of damages in soil can also be carried out. Valuation procedure can be done using Restoration cost, Aesthetic loss etc. based on the damages assessed.
- In order to assess the damages in ecological environment, the impact on flora, fauna, microbial ecosystems are to be made evident for various tools to be used for economic valuation. National and international databases may be utilized to assess the services provided by the various affected ecological components and hence conduct the valuation. In addition, the damages caused to the catchment areas are needed to be studied and evaluated.
- Apart from the above-mentioned impacts if any other damages are assessed through the primary study, will also be considered and the valuation of the same will be done.
- The remedial measures will be delineated if any

1.3 Period of Monitoring:

One time sampling will be carried out

1.4 Project Duration

The project will be for a period of 06 months from the receipt of work order.

1.5 Reporting

Draft Report: 04 months after the completion of sampling work

Final Report: 01 month from the date of receipt of the comments on draft report from Sponsor

1.6 Deliverables

- Environmental report containing the contamination status data on the lake, environmental damages for lake and the remedial measures thereof.

1.5 Inputs by the sponsor

Following information and assistance is required from R&B Dept/TSPCB:

- Detailed area maps of the lake depicting the boundary of the map along with the FTL
- Assistance in procurement of drawing/data/information relevant to site from local/state/national agencies
- Technical information is to be provided by R&B Dept for the report as and when required by NEERI
- Lodging, boarding and transportation to be borne by R&B Dept for NEERI staff visiting the project sites.
- Any other information available with R&B Dept useful for the study

Assessment of the contamination status and environmental damages of Oora Kunta Cheruvu, Yadagiripally, Telangana

Part B: Financial Component

- 1. Project Cost** : ₹ 22.75 Lakhs
(Rupees Twenty Two lakhs Seventy five thousand only)
- 2. Project duration** : 06 months from the date of receipt of advance along with work order
- 3. Taxes** : In accordance with Govt. of India regulations, the Goods and Services Tax (GST) shall be charged extra as applicable at the time of payment
- 4. Terms of Payment: (Four installments)**
 - 1st installment : 50% of Project Cost + GST as advance along with work order
 - 2nd installment : 20% of Project Cost + GST after completion of field work
 - 3rd installment : 20% of Project Cost + GST after submission of Draft Report
 - 4th installment : 10% of Project Cost + GST after submission of Final Report
- 5. Deliverables :**
 - i) Draft Report : Soft copy of Draft report for each site after completion of monitoring and analysis for comments.
 - ii) Final report : 05 copies along with soft copy on CD – 2 Nos.
- 6. Validity Offer** : 60 days from the date of submission