

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

**ORIGINAL APPLICATION No. 27 OF 2023 (SZ)**

**IN THE MATTER OF:**

Tellam Naresh  
Telangana & another

....

Applicant(s)

Versus

Union of India,  
rep. by its Secretary,  
MoEF&CC, New Delhi & Ors.

....

Respondent(s)

**REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD  
(RESPONDENT No. 5)**

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**Place: Hyderabad**

**Date: 25-04-2023.**



**Counsel for 5th Respondent**

**REPORT DATED 25-04-2023 OF THE ENVIRONMENTAL ENGINEER, TELANGANA STATE POLLUTION CONTROL BOARD (TSPCB), REGIONAL OFFICE, KOTHAGUDEM (RESPONDENT No.5) IN OA NO. 27 OF 2023 FILED BY SRI TELLAM NARESH & ANR Vs UNION OF INDIA & Ors.**

It is to submit that an Original Application No. 27 of 2023 was filed by Sri Tellam Naresh & Another Vs Union of India & Others before Hon'ble NGT, Chennai against construction of Sitamma Sagar Multipurpose Project, Bhadradri Kothagudem District without obtaining Environmental Clearance which is a violation of the EIA Notification, 2006.

**In this regard, the following is submitted: -**

1. It is to submit that the Ministry of Environment, Forest & Climate Change (MoEF&CC) has issued Environmental Impact Assessment (EIA) Notification, 2006 vide No. S.O.1533 Dt. 14th September, 2006.
2. As per the EIA Notification, 2006, new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the EIA Notification shall obtain prior Environmental Clearance from the prescribed Authority.
3. The Appendix IV of the EIA Notification stipulates procedure for conduct of Public Hearing as a part of Public consultation. A copy of the Appendix-IV of EIA Notification, 2006 is enclosed as **Annexure-I**.

The project proponent obtained Terms of Reference (ToR) from the MoEF&CC, Government of India vide Order dated 29.06.2022 for the above project.

The proposal for the Environmental Public Hearing is not received by the Respondent Board.

**Date:** 25-04-2023

**Place:** Kothagudem

  
ENVIRONMENTAL ENGINEER

ENVIRONMENTAL ENGINEER  
T.S. Pollution Control Board  
Regional Office, KOTHAGUDEM

APPENDIX IV  
(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of the Ministry of Environment and Forests -

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally

make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.,

### 3.0 Notice of Public Hearing:

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member-Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

### 4.0 The Panel

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

### 5.0 Videography

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

### 6.0 Proceedings

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public

hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings:-

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall send the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

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**Item No. 01:-**

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

*(Through Video Conference)*

**Original Application No. 27 of 2023 (SZ)**

**IN THE MATTER OF:**

Tellam Naresh,  
Telangana and Anr.

...Applicant(s)

Union of India,  
Rep. by its Secretary,  
MoEF&CC, New Delhi and Ors.

...Respondent(s)

**Date of hearing: 24.03.2023**

**CORAM:**

**HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Ms. Lavanya represented  
Mr. T. Sai Krishnan for R5.

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ORDER

1. This is an application alleging that the project called '*Sitamma Sagar Multi Purpose Project*' at Ammagaripalli Village of Aswapuram Mandal, Badradri Kothagudem District in Telangana has commenced its construction work without Environmental Clearance which is a violation of the EIA Notification, 2006.
2. From the perusal of the records, it is seen that earlier the Chief Engineer and the project proponent had given an undertaking on 24.02.2022 that no component and construction under the present proposal will be commenced before obtaining the Environmental Clearance.
3. The terms of reference was issued to the project proponent as early as on 31.05.2022 and the same is pending consideration. It is a settled proposition and to the knowledge of any project proponent to get Environmental Clearance, as the project cannot go on without obtaining the Environmental Clearance. Further, before obtaining Environmental Clearance, the EIA study and the public hearing should have been conducted.

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4. As alleged in the application, if the project is going through rivers, forest lands, etc., then clearances from the appropriate authorities also have to be obtained. If the project involves two States, then interstate clearance also should have been obtained.
5. As it is alleged by the applicant that none of these clearances have been obtained by the project proponent, we are of the view that the prima-facie case has been made out for granting an order of injunction restraining the project proponent.
6. The project proponent who is Respondent No.3 is directed to stop the project forthwith. It is made clear that in the event the project proponent had obtained the Environmental Clearance, it is open for him to continue the project.
7. Post the matter on 26.04.2023.

Sd/-  
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-  
Dr. Satyagopal Korlapati, EM

O.A. No. 27/2023(SZ)  
24<sup>th</sup> March 2023. AD.