

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

Original Application No. 3 of 2023(SZ)

&

Original Application No. 16 of 2023(SZ)

IN THE MATTER OF:

Dr. Patanjali Sastry		. Applicant(s)
	Versus	
Union of India and Ors		. Respondent(s)
	And	
Dr. Patanjali Sastry		. Applicant(s)
	Versus	
State of Andhra Pradesh and Ors.		Respondent(s)

REPORT FILED BY THE 4TH RESPONDENT APPCB
24-03-2023



**M/s MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL 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 APPCB

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original application No.03 of 2023 (SZ)
And
Original application No.16 of 2023 (SZ)

Dr. Patanjali Sastry. Applicant(s)
Versus
Union of India and Ors. Respondent(s)
And
Dr. Patanjali Sastry. Applicant(s)
Versus
State of Andhra Pradesh and Ors. Respondent(s)

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Place: Eluru
Date: 09-03-2023

Environmental Engineer, APPCB,
Regional Office, Eluru.

ENVIRONMENTAL ENGINEER
ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE, ELURU.

**STATUS REPORT OF A.P. POLLUTION CONTROL BOARD IN THE MATTER OF
HON'BLE NGT ORDER DT.13.02.2023 IN O.A.NO.3 OF 2023 (SZ)
AND O.A.NO.16 OF 2023 (SZ).**

1. The Original Application O.A.No.3 of 2023 (SZ) & O.A.No.16 of 2023 (SZ) has been registered in Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai letter petition by Dr. Patanjali Sastry, Rajahmahendravaram, Andhra Pradesh has sought for an order to restrain the Government of Andhra Pradesh from proceeding with the plan of erecting regulators on Kolleru Lake in West Godavari District.
2. The Hon'ble NGT in its Order dt.13.02.2023, in O.A.No.16/2023 (SZ) directed the applicant to furnish the information regarding any challenge to the G.O. (Ms) No.63 dt.02.12.2020 or no challenge has been made so far. In O.A.No.3/2023 (SZ) directed the respondents to file whether they have obtained necessary clearances if the structures proposed fall in Wetland/Wildlife Sanctuary/CRZ Area or otherwise require clearance under environmental laws. The copy of Hon'ble NGT order dt.13.02.2023 is enclosed as **Annexure - A**.
3. The Water Resource Department issued G.O.Rt.No.360, dt.22.02.2022 for construction of regulator across Upputeru at Km 10.560 near Dumpagadapa village in Akividu (M), West Godavari District. The Government of AP issued Administrative sanction for an amount of Rs.87.00 Crores (Rupees Eighty Seven Crores Only) for the project. Copy of G.O.Rt.No.360, dt.22.02.2022 is enclosed as **Annexure – B**.
4. The Water Resource Department issued G.O.Rt.No.361, dt.22.02.2022 for construction of Regulator cum bridge cum lock on Upputueru straight cut at Km 1.400 in Padatadika village limits of Moglatur (M) in West Godavari District. The Government of AP issued administrative sanction for an amount of Rs.136.60 Crores (Rupees One Hundred and Thirty Six Crores and Sixty Lakhs Only) for the project. Copy of G.O.Rt.No.361, dt.22.02.2022 is enclosed as **Annexure – C**.
5. The Water Resource Department, Government of Andhra Pradesh issued G.O.Rt.No.362, dt.22.02.2022 for construction of regulator cum bridge cum lock on Upputueru River at Km 57.950 (m36/0) in Mollaparru village limits Mogaltur (M) in West Godavari District. The Government of Andhra Pradesh issued administrative sanction for an amount of Rs.188.40 Crores (Rupees One Hundred and Eighty Eight Crores and Forty Lakhs Only) for the project. Copy of G.O.Rt.No.362, dt.22.02.2022 is enclosed as **Annexure – D**.

6. It was informed by the Water Resource Department of Government of Andhra Pradesh that the Geo coordinates of proposed regulators are as follows.

Regulator on Dumpagadapa (As per G.O.Rt.No.360)	16°34'40"N 81°20'50"E
Regulator on Pedatadaka (As per G.O.Rt.No.361)	16°22'51.65"N 81°28'45.89"E
Regulator on Mollaparru (As per G.O.Rt.No.362)	16°22'3.44"N 81°33'14.10"E

7. The Hon'ble NGT Chennai vide order dt.13.02.2023 directed the respondents to file whether they have obtained necessary clearances if the structures proposed fall in wetland/wildlife sanctuary/CRZ area or otherwise require clearance under Environmental laws.

It is submitted that the Competent authorities for clearances

Subject	Competent Authority
Wetland/Wildlife Sanctuary	A.P Forest Department/MoEF&CC
CRZ area	APCZMA under MoEF&CC
Required clearances under Water Act & Air Act of APPCB	APPCB has not received any application from Water Resource Department, Govt. of A.P in the matter.

8. The status of construction of above regulators are in finalization of tender process. There is no physical progress initiated by the Water Resource Department in the above matter.



Environmental Engineer, APPCB,
Regional Office, Eluru.

ENVIRONMENTAL ENGINEER
ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE, ELURU.

Item No.03 & 04:-

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

(Through Video Conference)

Original Application No.03 of 2023 (SZ)

And

Original Application No.16 of 2023(SZ)

IN THE MATTER OF:

Dr. Patanjali Sastry.



Versus

...Applicant(s)

Union of India and Ors.

And

...Respondent(s)

Dr. Patanjali Sastry.

Versus

...Applicant(s)

State of Andhra Pradesh and Ors.

...Respondent(s)

Date of hearing: 13.02.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

O.A. No. 03/2023(SZ):

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): None.

O.A. No. 16/2023(SZ):

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1, R3 to R8.

ORDER

O.A. No. 16/2023(SZ):

1. As the Principal Bench has already issued a notice in O.A. No.16 of 2023 (SZ) on 20.09.2022, let the respondent authorities get appropriate instructions in this regard and file their reports/affidavits.
2. In the letter petition, based on which this Original Application was numbered, the applicant has sought for an order to restrain the Andhra Pradesh Government from proceeding with the plan of erecting regulators. The erection of such regulators is pursuant to the G.O. (Ms.) No.63 dated 02.12.2020 by the Water Resources Department.
3. Hence, we direct the applicant to furnish the information regarding any challenge to the above said Government Order or no challenge has been made so far.

O.A. No. 03/2023(SZ):

4. So far as the O.A. No.03 of 2023 (SZ) is concerned, the prayer is to declare the action of the State of Andhra Pradesh for proposing the construction of the regulators on Kolleru Lake vide G.O. (Ms.) No.63

dated 02.12.2020 and calling for tenders in June 2021 without statutory requirements.

5. Let the applicant also obtain appropriate information as to whether the work has been commenced and if so, whether they are with or without the statutory requirement as had been alleged.
6. To enable the applicant to get all the above information, let the matter be listed on 24.03.2023.
7. The Respondents may also file whether they have obtained necessary clearances if the structures proposed fall in Wetland/Wildlife Sanctuary/CRZ Area or otherwise require clearance under environmental laws.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.03/2023(SZ) &
O.A. No.16/2023(SZ)
13th February 2023. AD.

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department - Construction of Regulator across Upputeru at Km.10.560 near Dumpagadapa Village in Akividu Mandal of West Godavari District - Administrative sanction for an amount of Rs.87.00 Crores -Orders - Issued.

SE	
DSE	<i>[Signature]</i>
NTPA	<i>[Signature]</i>
SUPDT.	<i>[Signature]</i>

WATER RESOURCES (Projects-II) DEPARTMENT

Dated:22.02.2022.

Read:

From the Engineer-in-Chief (I), Vijayawada, Lr.No.ENC(I)/DCE-DW/OT-5/AE-21/1403/95/SPV, dated:07.09.2021, 06.10.2021 & 20.01.2022.

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ORDER:-

In the reference read above, the Engineer-in-Chief (Irrigation), Vijayawada while explaining the details and circumstances, has requested the Government, to accord administrative approval for Rs.111.00 Crores regarding **Construction of Regulator across Upputeru at Km.10.560 near Dumpagadapa Village in Akividu Mandal of West Godavari District**, under regular State Plan funds under Head of Account 4700-01-114 GDS -11-27-530/531.

2) After careful examination of the proposal, hereby accord administrative sanction for an amount of **Rs.87.00 Crores** (Rupees eighty seven Crores only) for **Construction of Regulator across Upputeru at Km.10.560 near Dumpagadapa Village in Akividu Mandal of West Godavari District**, under Head of Account "4700 Capital Outlay on Major Irrigation -01 Major Irrigation- Commercial - M.H.114 Godavari Delta System - G.H.11 State Development Schemes - S.H (27) Canals and Distributaries -530 Major works- 531 Major works", subject to that the Engineer-in-Chief (Irrigation), Vijayawada shall ensure the following before according technical sanction.

i)	The Engineer-in-Chief (Irrigation) shall ensure correctness of quantities, leads, data and rates proposed in the estimate.
ii)	Designs and Drawings shall be got approved by the competent authority.
iii)	Detailed estimates along with Supporting details for the proposed LS provisions shall be obtained

3) The Engineer-in-Chief (Irrigation), Vijayawada shall take necessary further action accordingly.

4) This order issues with the concurrence of Finance (FMU-WR.II) Dept., vide their U.O.Note.No.FIN01-FMU0PC(WR2)/227/2021-FMU-WR-II, Computer No.1588947, dated:21.02.2022.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S. JAWAHAR REDDY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (Irrigation), Vijayawada.

Copy to:

The P.S to Secretary to CM.,
The P.S to Hon'ble Minister for Water Resources.
The P.S to Special Chief Secretary to Government (WRD).
The Finance (FMU- WR.II) Dept.,
The Chief Engineer, Godavari Delta System, Dowlaiswaram.
The Accountant General, A.P., Vijayawada.
The Director of Works and Accounts, Ibrahimpatnam, Vijayawada.
Sf/Sc.

// FORWARDED :: BY ORDER //

[Signature]
SECTION OFFICER



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23/2/22

T.S

R 703
23/02/22

R 704
23/02/22

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department – Construction of Regulator cum Bridge cum Lock on Upputeru Straight Cut at Km.1.400 in Padatadika Village limits of Mogalthuru Mandal in West Godavari District - Administrative sanction for an amount of Rs.136.60 Crores - Orders - Issued.

SE	
DSE	N 23/2/22
NTPA	DD 23/2/22
SUPDT.	23/2/22

WATER RESOURCES (Projects-II) DEPARTMENT

Dated:22.02.2022.

Read:

From the Engineer-in-Chief (I), Vijayawada, Lr.No.ENC(I)/DCE-DW/OT-5/AE-21/1403/95/SPV, dated:07.09.2021, 06.10.2021 & 20.01.2022.

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ORDER:-

In the reference read above, the Engineer-in-Chief (Irrigation), Vijayawada, while explaining the details and circumstances, has requested the Government, to accord administrative approval for Rs.166.35 Crores regarding **Construction of Regulator cum Bridge cum Lock on Upputeru Straight Cut at Km.1.400 in Padatadika Village limits of Mogalthuru Mandal in West Godavari District** under regular State Plan funds under Head of Account 4700-01-114 GDS -11-27-530/531.

2) After careful examination of the proposal, hereby accord administrative sanction for an amount of **Rs.136.60 Crores** (Rupees one hundred thirty six Crores and sixty lakhs only) for **Construction of Regulator cum Bridge cum Lock on Upputeru Straight Cut at Km.1.400 in Padatadika Village limits of Mogalthuru Mandal in West Godavari District**, under Head of Account "4700 Capital Outlay on Major Irrigation -01 Major Irrigation- Commercial - M.H.114 Godavari Delta System - G.H.11 State Development Schemes – S.H (27) Canals and Distributaries -530 Major works- 531 Major works", subject to that the Engineer-in-Chief (Irrigation), Vijayawada shall ensure the following before according technical sanction.

i)	The Engineer-in-Chief (Irrigation) shall ensure correctness of quantities, leads, data and rates proposed in the estimate.
ii)	Designs and Drawings shall be got approved by the competent authority.
iii)	Detailed estimates along with Supporting details for the proposed Ls provisions shall be obtained.

3) The Engineer-in-Chief (Irrigation), Vijayawada shall take necessary further action accordingly.

4) This order issues with the concurrence of Finance (FMU-WR.II) Dept., vide their U.O.Note.No.FIN01-FMU0PC(WR2)/225/2021-FMU-WR-II, Computer No.1588817, dated:21.02.2022.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S. JAWAHAR REDDY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

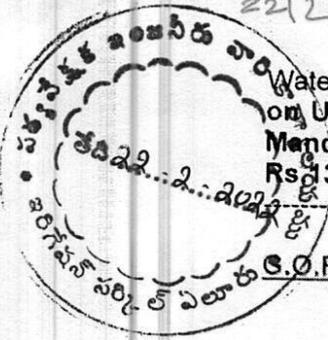
To
The Engineer-in-Chief (Irrigation), Vijayawada.

Copy to:

The P.S to Secretary to CM.,
The P.S to Hon'ble Minister for Water Resources.
The P.S to Special Chief Secretary to Government (WRD).
The Finance (FMU- WR.II) Dept.,
The Chief Engineer, Godavari Delta System, Dowlaiswaram.
The Accountant General, A.P., Vijayawada.
The Director of Works and Accounts, Ibrahimpatnam, Vijayawada.
Sf/Sc.

// FORWARDED :: BY ORDER //

S. Hafeez
SECTION OFFICER



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23/2/22

R 715
23/2/22

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Water Resources Department – Construction of Regulator cum Bridge cum Lock on Upputeru River at Km.57.950 (M36/0) in Mollaparru Village limits of Mogalthuru Mandal in West Godavari District - Administrative sanction for an amount of Rs.188.40 Crores -Orders - Issued.

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DSE	23/2/22
NTPA	23/2/22
SUPDT.	23/2/22

WATER RESOURCES (Projects-II) DEPARTMENT

G.O.RT.No.362.

Dated:22.02.2022.

Read:

From the Engineer-in-Chief (I), Vijayawada, Lr.No.ENC(I)/DCE-DW/OT-5/AE-21/1403/95/SPV, dated:07.09.2021, 06.10.2021 & 20.01.2022.

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ORDER:-

In the reference read above, the Engineer-in-Chief (Irrigation), Vijayawada, while explaining the details and circumstances, has requested the Government, to accord administrative approval for Rs.364.870 Crores regarding **Construction of Regulator cum Bridge cum Lock on Upputeru River at Km. 57.950 (M36/0) in Mollaparru Village limits of Mogalthuru Mandal in West Godavari District**, under regular State Plan funds under Head of Account 4700-01-114 GDS -11-27-530/531.

2) After careful examination of the proposal, hereby accord administrative sanction for an amount of **Rs.188.40 Crores** (Rupees one hundred eighty eight Crores and forty lakhs only) for "**Construction of Regulator cum Bridge cum Lock on Upputeru River at Km. 57.950 (M36/0) in Mollaparru Village limits of Mogalthuru Mandal in West Godavari District**" under Head of Account "4700 Capital Outlay on Major Irrigation -01 Major Irrigation- Commercial - M.H.114 Godavari Delta System - G.H.11 State Development Schemes – S.H (27) Canals and Distributaries -530 Major works- 531 Major works", subject to that the Engineer-in-Chief (Irrigation), Vijayawada shall ensure the following before according technical sanction.

i)	The Engineer-in-Chief (Irrigation) shall ensure correctness of quantities, leads, data and rates proposed in the estimate.
ii)	Designs and Drawings shall be got approved by the competent authority.
iii)	Detailed estimates along with Supporting details for the proposed Ls provisions shall be obtained.

3) The Engineer-in-Chief (Irrigation), Vijayawada shall take necessary further action accordingly.

4) This order issues with the concurrence of Finance (FMU-WR.II) Dept., vide their U.O.Note.No.FIN01-FMU0PC(WR2)/226/2021-FMU-WR-II, Computer No.1588943, dated:21.02.2022.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.K.S. JAWAHAR REDDY
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To
The Engineer-in-Chief (Irrigation), Vijayawada.

Copy to:

The P.S to Secretary to CM.,
The P.S to Hon'ble Minister for Water Resources.
The P.S to Special Chief Secretary to Government (WRD).
The Finance (FMU- WR.II) Dept.,
The Chief Engineer, Godavari Delta System, Dowlaiswaram.
The Accountant General, A.P., Vijayawada.
The Director of Works and Accounts, Ibrahimpatnam, Vijayawada.
Sf/Sc.

// FORWARDED :: BY ORDER //

Sd. H. Heez
SECTION OFFICER



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