

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

APPEAL NO. 56 OF 2022

1. GUTHA GUNASEKHAR

S/o Gutha Rama Krishnama Naidu,
Age: 37 Years Nagillavari Palli village,
Peddauppara Palli(Post)
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Andhra Pradesh- 517257,
Mail: guthaguna@gmail.com
Mobile: 9886681956. And 12 others

..... Applicants

VS

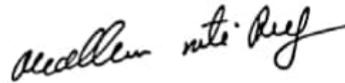
UNION OF INDIA

Union Ministry of Environment, Forest & CC
Rep. by its Secretary
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Jorbagh, New Delhi-110003
Mail: secy-moef@nic.in
Phone: 011-24695262, 24695265 and 6 Others

..... Respondents

COUNTER AFFIDAVIT FILED BY THE 2ND RESPONDENT

Date- 8-12-2022



**M/S MADHURI DONTI REDDY
ADVOCATE
STANDING COUNCIL FOR GOVERNMENT OF
ANDHRA PRADESH
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It is certified that all the documents contained in the above annexure are true copies.

Date: 08-12-2022


Member Secretary
SEIAA, AP

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..... Respondents

COUNTER AFFIDAVIT FILED BY THE 2nd RESPONDENT

I, Dr. P.V.Chalapathi Rao, S/o Pasala Lakshmaiah, Aged about 53 years,
Member Secretary, Andhra Pradesh State Environment Impact Assessment
Authority, Andhra Pradesh do hereby solemnly and sincerely affirm and make
oath and state as follows;

1. I am the authorized representative of the Respondent No.2 (**“the Answering Respondent”**) and as such, I am well acquainted with the facts of the case.


Member Secretary
SEIAA, AP

1. This respondent denies each averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit.
2. At the outset, the Answering Respondent denies all the averments, allegations and contentions in the present Appeal and nothing should be deemed to be admitted by the Answering Respondent until specifically admitted herein.
3. The Answering Respondent states that all the allegations contained in the present Appeal are false and made with a view to mislead the Hon'ble Tribunal. Before proceeding to deal with the Appeal in a Para wise manner, the Answering Respondent wishes to set out certain key facts in the matter.
4. **RATIONALE OF THE PROJECT:**
 - a. The Answering Respondent appreciates from various public records, including the Environmental Management Plan submitted in the instant case, that the Government of Andhra Pradesh has been paying close attention to the drastic consequences of Climate Change and the effect on various regions in the State. One of the consequences of climate change has been a significant variation in the precipitation pattern across the world (as can be seen from various reports by the Intergovernmental Panel on Climate Change (IPCC)). This has also been the case in various Indian states including the State of Andhra Pradesh, with some areas receiving rainfall far more than the usual standards while other regions have become prone to severe drought due to insufficient rainfall. The Government of Andhra Pradesh, as part of a laudable plan to combat the consequences of climate change, has proposed various projects for climate change adaptation in water resources that can store excess water when it is available and utilize the same later when it becomes necessary. This would ensure efficient

utilization of water resources including collection and storage of excess rainwater/ floodwater and its effective utilization subsequently.

b. One such project was the construction of the Avulapalli reservoir through the expansion of an existing minor irrigation tank. The Avulapalli reservoir is proposed to be constructed near Avulapalli in Somala (M), Chittoor District of the Rayalaseema region. The project is an independent one with the primary motive of focusing on tapping and storing the excess rainfall / runoff in the said region and supply it predominantly for drinking. The excess water, after meeting the domestic demand, is proposed to supply for irrigation. It is a matter of record that, over the last three years, this region has been receiving rainfall far in excess of the usual quantum.

c. As a consequence of the excess rainfall and since there were no adequate measures to harness and utilize the excess water, the Water Resources Department of the State Government was constrained to discharge significant amounts of water downstream of the existing minor irrigation tank, which could have been constructively utilized had there been necessary infrastructure in place. Consequently, with the object of collecting and storing rainwater in the said region as elaborated hereinabove, the Avulapalli reservoir is being constructed as a self-catchment source. Moreover, in recent times the river Pennar is receiving significant amounts of flows and the excess flows of Pennar river being discharged into the sea, as demonstrated in **Annexure [1]** . Further, the Gandikotta reservoir, situated on the river Pennar, was also in receipt of rainwater far in excess of the usual quantum as given in **Annexure 2**. Hence, it is envisaged that the run-offs caused due to excess flood flows from the Gandikota reservoir may also be possible to route into the Avulapalli reservoir in the future. The water so collected into the Avulapalli reservoir is proposed to be utilized for catering to the needs of the draught prone region of Chittoor district in the semi-arid

Rayalaseema region in the State of Andhra Pradesh for drinking water to around 2.76 lakh persons and provide irrigation to 9700 ha. of land.

d. It is pertinent to clarify that the Avulapalli reservoir was initially a part of the HNSS Scheme, which was intended to draw water from the HNSS Scheme, which in turn drew water from the Krishna River. However, the proposal has thereafter undergone a change whereby the source of the water has been changed as explained hereinabove, i.e., a self-catchment system or an alternate drawl from Gandikota reservoir, thereby making it independent of the HNSS Scheme as contemplated earlier. The same is evident from the Minutes of the Review Meeting dated 08.05.2022 of the Irrigation Department, a copy of which is annexed as **Annexure -3**

5. In recent years the flows realized or measured at the outflow weir of the existing minor irrigation tank are as follows:

Year:	2019	2020	2021
Water Quantity, TMC	1.876	3.447	2.889

It is submitted that the above data clearly indicates that the Avulapalli reservoir can sustain itself as a self-catchment source. The detailed flows measured during the period from 2016 till 2021 are hereby annexed as **Annexure 4.**

6. It is submitted that the said project is therefore independent of the GNSS-HNSS scheme and/ or other balancing reservoirs including the ones in Mudiveedu and Nethiguntapalli. It is submitted that, in any event, the work presently stipulated is further removed from the purview of the existing projects that have been executed earlier, and that the present project has also obtained an EC after due consideration of all material factors including the location of the Avulapalli Reservoir, its linkages, runoffs etc.

7. The Answering Respondent states that pursuant to the Order of this Hon'ble Tribunal dated 14.02.2022 in OA No. 137 of 2021, an application for obtaining environment clearance has been filed on 25.07.2022 for the construction of Avulapalli Balancing Reservoir with a capacity of 2.5 TMC intending to supply drinking water to around 2.76 lakh people and an ayacut/ culturable command area of 9700 hectares in Chittoor District. At this juncture, it is pertinent to mention that the capacity of the reservoir does not determine the category under which the project must be classified for the purposes of obtaining EC. On the contrary, it is the extent of *ayacut/* culturable command area that determines the category of the project.

8. The project proponent, in its proposal, had disclosed that while it had obtained administrative sanction for 3.5 TMC, the scope of the project presently implemented is only 2.5 TMC. The development or expansion into the second phase, for the remaining 1 TMC, is to be considered in detail and then implemented only in the future. Phase 1 of the project is predominantly for supply of drinking water. As Phase 1 of the project contemplated a culturable command area of less than 10000 hectares, the project was classified under B2 category as per the Statutory Orders (SOs) of MoEF &CC, Govt. of India. Annexed hereto and marked as **Annexure " 5 "** are copies of the relevant S.Os. Therefore, the only requirement was preparation of an Environment Management Plan.

9. As the application was made in such manner, the implications of the same were appraised in detail and it was only after following the procedures as per law required for a medium level irrigation project that the Answering Respondent granted the Impugned Environment Clearance dated 03.09.2022. Such appraisal is contained in the project proposal submitted by the project proponent on 25.07.2022 for EC and reflected in the Impugned Environment Clearance dated 03.09.2022. It is once again reiterated that the capacity of the reservoir does not

determine the category under which the project must be classified for the purposes of obtaining EC. On the contrary, it is the extent of ayacut/ culturable command area that determines the category of the project as also the very requirement of obtaining an EC in the first place. The Answering Respondent states that there appears to be no illegality in bifurcating the proposed plan into two phases, as detailed above, in as much as the EIA Notification, 2006 itself provides for a mechanism for granting fresh EC for 'expansion projects' and the project proponent would have to apply under the same, comply with the procedural requirements therein and obtain the requisite permission under Clause 7(ii) of the EIA Notification, 2006 should it be desirous of implementing Phase 2 or any other expansion. As Phase 2 work is not currently being undertaken by the Project Proponent, the legal mandate upon the Project Proponent was to apply for Phase 1 of the project at this stage, as only the said phase was being proceeded with at present and to apply for expansion under second phase, as and when the same is implemented/proceeded with. Further, after the issuance of the notification bearing SO 1886 (E) dated 20th April, 2022 of MoEF & CC, Govt. of India, all irrigation projects, irrespective of the total culturable command area, fall within Category 'B' and are required to be appraised by the respective SEIAA of the MoEF & CC, Govt. of India. Annexed hereto and marked as **Annexure - 6** is a copy of the SO 1886 (E) dated 20th April, 2022 of MoEF & CC, Govt. of India. Therefore, there arises no question of circumventing scrutiny by the MOEF&CC as alleged by the Appellants. The Answering Respondent submits that for these reasons and for the reasons to be set out hereinbelow, its grant of Environment Clearance to the present project is in accordance with the law.

10. The Answering Respondent now proceeds to deal with the allegations in the Appeal in a parawise manner.

11. With reference to Paragraph 3 of the Appeal, the same are denied and the averments contained hereinabove regarding the Project's


Member Secretary
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background are reaffirmed herein for the sake of brevity. For the sake of brevity, the Answering Respondent repeats and reiterates all that is set out hereinabove regarding the independent nature of the Avulapalli reservoir project in response to this paragraph.

12. With reference to Paragraph 4 of the Appeal, the contents of the said paragraph are denied in toto. The Answering Respondent denies that there has been non application of mind on the part of the Answering Respondent while issuing the Impugned Environment Clearance, as will be borne out from the present Counter Affidavit. In any event, the Answering Respondent states that the Project Proponent had expressly disclosed to the Answering Respondent and SEAC that administrative approvals in respect of the Avulapalli reservoir was obtained for a total capacity of 3.5 TMC. This was however a matter of administrative convenience and the development is only being undertaken for what is envisaged as Phase 1 at present. The present application submitted is also only for Phase 1 of the total project as only the said Phase was proposed to be developed at present. Phase 1 intends to supply drinking water, which is the most important part of the project along with irrigation water to 9700ha of land. The capacity of the Avulapalli reservoir during this first phase is 2.5 TMC. The Answering Respondent evaluated the Phase 1 project in accordance with the extant laws and proceeded to grant the Impugned EC. The Answering Respondent states that as and when the Project Proponent proposes to implement any expansion in future for providing irrigation water to more than the present 9700ha under phase 2 of the said project, then that proposal should be submitted to the SEIAA for EC as an expansion project and the same will be reviewed suitably and in accordance with the law.

13. With reference to Paragraph 5 of the Appeal, while the allegations pertain to purported misrepresentations made by the Project Proponent and the Project Proponent will be best placed to respond to the same, the

Answering Respondent is setting out information/ responses within its domain of knowledge:

EC components and Conditions	Appellant's incorrect allegations	Answering Respondent's submission
Construction of Avulapalli Balancing Reservoir with a capacity of 2.5 TMC	Vide G.O.Rt. 461 dt.2.9.2020, PP proposed 3 reservoirs and vide G.O.Rt.444 dated 26.8.2020 linking of Galeru Nagari Sujala Sravanthi and Handri Neeva Sujala Sravathi was proposed. But clearance obtained for only Avulapalli Reservoir.	<ul style="list-style-type: none"> • It is seen from available records that the Scheme to lift water from Gandikota reservoir on Pennar river through GNSS canal was granted administrative sanction vide G.O. Rt No. 444 dated 26.08.2020). As per the directions of the Honorable NGT, EC was obtained for the said project, which is enclosed as Annexure – 7]. • The existing minor irrigation tank is proposed for expansion of the storage capacity and thus converting it into Avulapalli balancing reservoir to store water, wherein Phase 1 is presently under implementation and Phase 2 may be envisaged to be implemented at a future time. It is an independent project which has a self- catchment that would yield the proposed water quantities. The same has also been developed independent of the other two reservoirs mentioned in the G.O. Rt. 461 dt. 2.9.2020. • The Answering Respondent submits that the 3 reservoirs mentioned therein are situated at places which are at a significant distant from each other and do not have any common or overlapping cultivable command area. The distance from Avulapalli reservoir to Nethiguntapalli reservoir is 43 kms and Mudivedu Reservoir is situated a further 46 kms from Nethiguntapalli (i.e., 89 kms from Avulapalli

		<p>Reservoir). Each of the reservoirs cater to separate and distinct cultivable command area as is evident from the sketch and function independent of each other. The mere fact that all three reservoirs were granted sanction under the same GO, for the sake of administrative convenience, would not render such projects as a single one or denote that they are intrinsically linked. Further, if all 3 Reservoirs fell under single project, there would be no necessity to mention all the three projects separately. Further, at the 189th Meeting of the Answering Respondent held on 28.07.2022, the issue of EC for Mudivedu and Nethiguntapalli Reservoirs were discussed. The Answering Respondent took note of the recommendations of the SEAC and it was determined that the said reservoirs were not required to obtain EC since the Ayacut was less than 2000 hectares.</p>
<p>The proposal shall not attract the following Acts & Rules: a. Forest Act 1980, b. Wild life (Protection) Act,1972; c. The Eco sensitive areas as notified under Environment</p>	<p>The project proponent has taken a stand while declining the alternative land of 900 Acres in Sy.No.6 suggested by the Appellants that the land belongs to forest department. If it is so, the impact on the forest and eco sensitive zone was not placed before the SEIAA. This</p>	<p>Upon verification, the Answering Respondent ascertained the lands on which the construction was proposed did not fall within a 'forest' land. As none of the Statutes mentioned in the said paragraph are applicable to the subject lands/ project, the Answering Respondent did not impose any additional conditions/ restrictions in that regard. The present project will not affect the forest land as it is far away from the forest boundary.</p>

(Protection) Act,1986;	amounts to suppression of facts by the Project proponent.	
The project proponent shall not enhance the storage capacity – 2.5 TMC and ayacut beyond 9700 Ha	The capacity of the reservoir shown as 2.5 TMC but the PP stated before the Hon'ble High Court of Andhra Pradesh that it will increase the capacity from 2.5 TMC to 3.5 TMC.	The Project Proponent had submitted to the Answering Respondent and SEAC that the total intended capacity of the proposed reservoir is 3.5 TMC as per the administrative sanction. However, the application for EC was made only for Phase 1 project, as detailed above, intended to predominantly supply drinking water to the people and also supply water to 9700ha for irrigation, with the reservoir having a capacity of 2.5 TMC, which is the project presently under implementation. Both these facts have been duly considered by the Answering Respondent while processing the application for the subject project. The Special Condition III (3) also reiterates that the project proponent ought to adhere to the specifications mentioned in the application. Merely because the EC has been granted for construction of the reservoir with a capacity of 2.5 TMC does not mean that the project proponent cannot expand the same. On the contrary, the EIA Notification, 2006 itself contemplates such expansion and has laid down detailed procedural mechanism for obtaining permission under Clause 7(ii). The project proponent can therefore expand the project after obtaining the requisite permission from the Answering Respondent. Needless to state, in the event that any expansion is done without proper approvals, necessary action shall be promptly taken against the project

		proponent.
Details provided in Form 2 is misleading Details of Court Cases: nil	But cases are pending before Hon'ble High court of Andhra Pradesh	Upon scrutiny of the Application, the Answering Respondent did not find any errors pertaining to the details regarding pending cases. As on the date of the Application, i.e., July 25, 2022, the Writ Petition before the Hon'ble High Court of Andhra Pradesh was not filed.
This EC application is considered for construction of the project only and subsidiary canals not included	PP has not placed the particulars of canals and other related impact, land acquisition before the SEIAA. This indicates that the SEIAA hurriedly granted EC to Avulapalli reservoir without getting the information how PP will supply water to 9700 ha without including the canal network in the project.	<p>The project proponent had furnished the particulars of the culturable command area. It was learnt that there is an existing distribution system along the stream on the downstream of the present minor irrigation tank which will be utilized initially. As the present distribution systems exists in the area, which is proposed to be adopted for the supply of water to the fields for irrigation, the same has not been included as a new development. Therefore, it was mentioned in the EC that "the subsidiary canals are not included." The balance distribution system, if any, may be developed in due course of time.</p> <p>The Answering Respondent states that in any event, the extent of subsidiary canals and irrigation channels are not taken into account while computing the culturable command area and therefore, it is irrelevant for the assessment. The relevant materials for assessment, as placed along with a detailed Environmental Management Plan, were duly considered by the Answering Respondent herein prior to grant of EC.</p> <p>Land acquisition details were placed before the SEAC and SEIAA. In fact, the EC issued by the Answering Respondent also contained detailed stipulations in relation to the land acquisition and</p>

		<p>rehabilitation measures.</p> <p>Majority of the land that falls under submergence of the project is revenue land. The private land acquisition will be made as per the existing acts and norms.</p>
<p>The project proponent shall have proper rehabilitation plan and shall implement the same</p>	<p>There is no plan for providing R & R to the project affected persons. Till date land acquisition process was not undertaken by the Project proponent.</p>	<p>The averments are false in as much as the details pertaining to the land acquisition and the Rehabilitation and Resettlement Plan have been submitted and has also been mentioned in the Detailed Project Report, which formed part of the proposal submitted to the Answering Respondent. A detailed Rehabilitation & Resettlement plan was also included as part of the Environmental Management Plan and other documents submitted before the Answering Respondent. A perusal of these documents would demonstrate that the Project Proponent had prepared R&R benefits and plan in accordance with the Right to Fair Compensation and Transparency in Land Acquisition under Rehabilitation and Resettlement Act, 2013.</p>
<p>One balancing reservoir is proposed with different saddle bunds. Aseismic design parameters for the dams need to be approved by National Commission</p>	<p>No clearance obtained from NCSDP and Central Water Commission, New Delhi on crucial design parameters.</p>	<p>The Answering Respondent states that, in the instant case, it is seen that the project site location falls within Seismic Zone II of the Seismic Zones of India Map. It is seen from the record that designs/ stability analysis of the Earth Bund was finalized and was found to be in accordance with the provisions of Appendix A of IS 7894-1975 after adopting minimum desired factor of safety value. For these reasons, the project does not require approval of The Chief Engineer, Central Designs Organization has therefore issued a report stating that approvals from NCSDP</p>

<p>of Seismic Design Parameters (NCSDP). Centre Water Commission, New Delhi.</p>		<p>and/ or Central Water Commission is not required. A copy of this document along with the Seismic Zone Map is annexed as Annexure – 8].</p> <p>The Answering Respondent also states that it is in the practice of issuing a standard condition pertaining to obtaining approvals from NCSDP and Central Water Commission for projects of this nature. The proponent in whose cases the same is found to be applicable are required to comply with the same and in such of those cases where is it not applicable, the proponents are not required to comply with the same. In this regard, the Answering Respondent states that it has inadvertently missed including the words “If required” at the end of the condition.</p>
<p>Total 170 families from 3 villages are likely to be affected by this project. The project affected families shall be rehabilitated as per Andhra Pradesh Government’s R&R Policy – 2005 & its amendment G.O. M.S.No. 76, dated 13th April,</p>	<p>SEIAA has considered the impact for only 2.5 TMC but not 3.5 TMC. If the capacity of Reservoir is increased as stated before the Hon’ble High Court of Andhra Pradesh by the PP, the impact on the project affected persons will substantially increase That according to the original plan of PP</p>	<p>As the application was made for obtaining EC for Phase 1, the construction of 2.5 TMC capacity reservoir for supply of drinking water and irrigation water to 9700 ha, the Answering Respondent assessed the impact of the same. If the project proponent proposes to expand and implement the expansion project under any phase of the Project as well, the Answering Respondent would carry out the required assessment under law, including appraisal under expansion category.</p>

2006		
Project cost is Rs. 667.20 crores	Project Cost is same even after reduction of capacity from 2.5 TMC to 3.5 TMC	It is humbly submitted that the said issue falls outside the purview of judicial review before this Hon'ble Tribunal, and also outside the scope of this Answering Respondent's jurisdiction.

14. With reference to Paragraph 6(a) of the Appeal, the Answering Respondent denies the contents thereof. The Answering Respondent states that a bare perusal of the record submitted to it would reveal that the Water Resources Department had in fact studied all possible alternatives and finally decided to proceed with the proposed project as per the specifications mentioned in the Application and on the lands identified. The objective of the project appears to be to provide respite for the drought prone areas of Rayalaseema by providing drinking water to several lakhs of people and also for irrigating 9700 hectares of cultivable command area. The Answering Respondent states that as an authority that is responsible for assessing the impact of infrastructure projects on the environment and human habitation, the Answering Respondent has duly considered the impact of the present project with respect to submergence of land. While the implementation of any reservoir projects would involve an element of submergence, in the present case the area under submergence to the present project is 590 ha, out of which only 239ha are private lands, for which necessary directions have been issued to ensure that a proper rehabilitation and resettlement plan is put in place in order to ensure adequate compensation for the loss incurred to the concerned persons. There is no submergence of reserve forest lands or any other ecologically sensitive areas that would result in an adverse impact upon the environment. As such, the Answering Respondent is of the opinion that the present project adequately balanced the interests of the section of persons that required water resources on the one hand, who advocated the need for the reservoir, with those who will be


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impacted as a result of its construction. Further, the present project did not have any adverse impact on the environment, as per the Answering Respondent's assessment. The EC granted also introduces sufficient safeguards to ensure that there is no adverse impact. Further, the necessity for public hearing depends on the category of the project and the current project, being one that falls under the B2 category, does not require any public hearing. It was only after taking into consideration all the relevant factors including the livelihood of several villagers who will be benefitted by the supply of drinking and irrigation water and otherwise determining that the present project is sustainable from the environment perspective, that the Impugned EC was granted.

15. With reference to Paragraph 6(b) of the Appeal, the contents thereof are denied. As per the directions of this Hon'ble Tribunal in OA No.137 of 2021, the project proponent(s) have duly applied for environmental clearances. After considering all material aspects pertaining to the said application as detailed hereinabove, the answering respondent has deemed it a fit case for grant of EC.

16. With reference to Paragraph 6(c) of the Appeal, the contents thereof are denied. It is evident from the S.O 3977 (E) dated 14th August, 2018 and SO 1886 (E) dated 20th April, 2022 issued by the Central Government (MoEF &CC) that irrigation projects with a culturable command area less than 2000 ha do not require EC. The culturable command area for balancing reservoir near Mudiveedu Village was 832 hectares and that near Nethiguntapalli was 742 hectares. Also, Phase 1 of these were developed with the prime objective of supplying drinking water to lakhs of people in the area. Therefore, the projects did not require EC. In addition, the Answering Respondent states that the project proponent had approached the Answering Respondent for clarification before commencing construction of the reservoirs at Mudiveedu and Nethiguntapally. Further, the averments that there are


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activities in furtherance of the project as on February/ March, 2021 appear incorrect in as much as the Site Inspection Report prepared by Integrated Regional Office, Vijayawada dated 07.01.2022 (for inspection held on 26.12.2021) which was submitted before this Hon'ble Tribunal in OA No.137/2021 clearly demonstrates that there were no construction activities in respect of any of the reservoirs, i.e., Mudiveedu, Nethiguntapalli and Avulapalli. A copy of the Site Inspection Report dated 07.01.2022 is annexed as **Annexure 9**.

17. With reference to Paragraph 6(d) of the Appeal, the contents thereof are denied. The Appellants made representation to the authorities to consider the alternative site which was situated in an area classified as reserve forest. The authorities from the Water Resources Department responded to the request and examined the alternative site suggested by the appellant in Sy. No.6. After careful examination and ascertaining that some of the alternative lands were situated in a forest area, the options suggested by the Appellants were determined as not being suitable. In this regard, it is pertinent to note that the Appellants had also filed WP No.25268 of 2022 before the Honorable High Court of Andhra Pradesh raising the same issues. The Honorable High Court was pleased to close the Writ Petition after recording the submission of the Ld. Special Government Pleader that the grant of EC for Phase 1 of the Project would not preclude the State Government from approaching the Answering Respondent for obtaining permission for the expansion of the project/ Phase 2.

18. With reference to Paragraph 6(e) of the Appeal, the extracts from the Judgment dated 14.02.2022 are a matter of record.

19. With reference to Paragraph 7 of the Appeal, as for the extracts from the EIA Notification, the same are a matter of record and do not warrant any specific response. However, the allegations contained in the said paragraph are denied. The Answering Respondent states that it


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appraises all project proposals based on the EIA Notification, 2006 as amended from time to time by way of Statutory Standing Orders issued by the MOEF. SO 3977 (E) dated 14th August, 2018 and SO 1886 (E) dated 20th April, 2022 issued by the MOEF, which inter alia amended provisions pertaining to appraisal of the river valley projects and irrigation projects. The Answering Respondent has taken into account the extant provisions of law including the said SOs. As per SO 1886 (E) dated 20th April, 2022 of MoEF & CC, Govt. of India, all the irrigation projects irrespective of the cultural command area (except the project with less than 2000ha which does not require EC) will be category B projects and will fall under the jurisdiction of the Answering Respondents for appraisal. With the notification of the said SO, the project proponent should approach the SEIAA, MoEF&CC, Govt. of India for obtaining EC in respect of irrigation projects. The project proponent followed the same. Therefore, there arises no question of avoiding scrutiny by the Central Government whatever be the project size, as alleged by the Appellants.

20. With reference to Paragraph 8 of the Appeal, the contents thereof are denied. The Avulapalli Reservoir project will not fall within the purview of Section 84 of the Andhra Pradesh Reorganization Act, 2014 since the reservoir has no linkage to Krishna River. As explained above, the reservoir operates as a self-catchment source. If necessary, the reservoir will be used to collect and store floodwater from the River Pennar. River Pennar is not connected with the Krishna River and therefore, the question of obtaining approval from the Krishna River Management Board does not arise. While the question of approval for GNSS and HNSS Scheme may not be relevant to the present matter, the Answering Respondent states that vide SO 3511 (E) dated 27th July, 2022, the Central Government has clearly specified that the GNSS and HNSS projects will not require the approval of Krishna River


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Management Board. The SO 3511 (E) dated 27th July, 2022 is annexed as **Annexure – 10]**.

21. With respect to Paragraph 9 of the Appeal, the contents thereof are denied in toto. The Answering Respondent states that from the records, there has been no deliberate delinking of the Avulapalli reservoir from the GNSS-HNSS project. The State of Andhra Pradesh has proposed several irrigation projects as part of the scheme. One such project was the proposal to lift water from Gandikota Reservoir on River Pennar, i.e., “Investigation and construction of lift scheme to lift water from GNSS to HNSS.” The project required tapping of Gandikota reservoir at a feasible point from the existing canal of GNSS distribution systems and delivery of water into the existing Veligallu reservoir. Thereafter, it was proposed to lift water from Veligallu reservoir and deliver it to the existing unutilized or underutilized HNSS canals. The scheme to lift water of Gandikota reservoir is a separate project and EC was already issued to this project. The construction of Avulapalli reservoir is an independent project proposed to expand the existing minor irrigation tank which has a self-catchment, sufficient to yield the required quantities during the monsoon season. Further, the Answering Respondent states that there does not appear to be any mischief, as sought to be portrayed by the Appellants, in bifurcating the subject project into two phases. At the outset, the Answering Respondent states that the unit of measure that determines the relevant category to which any irrigation project belongs is the ayacut or culturable command area. Therefore, the capacity of the reservoir, i.e., 2.5 TMC or 3.5TMC is irrelevant and will not determine the category under which the present project falls. As the present application proposed to irrigate 9700 hectares of ayacut/ CCA, the project falls under Category B2 and the procedures required for the same, including examination of an EMP, has been carried out. Should the proponent decide to implement a project expansion to 3.5TMC or in any other


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manner, requisite approvals would have to be obtained by the proponent at that stage. At this stage, it is pertinent to point out that the EIA Notification, 2006 (as amended from time to time) contemplates and provides for grant of prior environmental clearance for expansion or modernization of projects. Therefore, it is incorrect to state that there is any circumvention of the provisions of the EIA Notification, 2006 by bifurcating the project into phases. In the event there is an increase in the ayacut/ CCA while implementing Phase 2 (any expansion in culturable command area under phase 2), the proponent would be required to apply for a fresh environment clearance, which will be considered by the Answering Respondent as per the existing provisions of law including conducting a public consultation. The Answering Respondent repeats and reiterates that there is no evasion of any provisions of the EIA Notification, 2006 pertaining to consideration of applications by MOEF&CC in as much as post April, 2022, none of the irrigation projects will fall within Category A and all the such projects need to be considered and appraised by the SEIAA of MOEF&CC. Therefore, even if the present project envisaged a larger ayacut, the same would only be within the jurisdiction of the Answering Respondent.

22. With respect to Paragraph 10 of the Appeal, the contents thereof are denied. The Answering Respondent states that it has perused the submissions of the Government recorded in Paragraph 7 of the Order dated 21.09.2022 passed by the Hon'ble High Court and does not find any factual infirmity or misrepresentation. The project proponent had disclosed to the Answering Respondent that while the sanction was for 3.5TMC for the sake of administrative convenience, the application was submitted only for Phase 1 (2.5 TMC) as contemplated therein, which was the project under implementation to be considered for the purposes of grant of EC. In the event the project proponent is desirous of implementing Phase 2 or any other expansion, it would have to apply for

the requisite permission. In any event, the allegations contained in the said paragraph are repetitive in nature and have been sufficiently dealt with hereinabove. It is not out of place to mention that while the said paragraph refers to a docket order forming part of Annexure the same has not been enclosed in the Compilation of Documents and therefore, the Answering Respondent has not been in a position to respond to the same in the absence of the document.

23. With respect to Paragraph 11 of the Appeal, the contents thereof are denied. The Answering Respondent states that there is no conflict of interest whatsoever, much less in the manner portrayed by the Appellants.

24. With respect to Paragraph 11(i) of the appeal, the Answering Respondent denies the contents thereof. It is humbly submitted that the stipulated scheme was for “investigation and construction of the lift scheme to lift water from GNSS to HNSS” and construction of reservoirs. It is routine practice for the Government to take decisions on the representations made by aggrieved persons as it is the duty of a welfare government to address the needs and problems faced by its citizens.

25. With respect to Paragraphs 11(ii) to (iv) of the appeal, the Answering Respondent denies the contents thereof. The Answering Respondent has, in its experience, observed payment of application fees being made by contractors and there is nothing amiss about such third party payments. Typically, such payments form part of the understanding/ contract between the project proponent and the contractors involved in executing the project, where payments are made upfront by the contractors and subsequently reimbursed by the project proponent. It is therefore submitted that the allegations made by the Appellant against senior government officials, therefore, appears to be baseless and without material backing.

26. With respect to Paragraph 12 of the Appeal, the Answering Respondent states that the contents thereof are a complete misrepresentation of the conditions mentioned in the EC. Since the Project Proponent had disclosed that the administrative sanction was obtained for 3.5TMC but the proposed construction at present for the Project was only for 2.5TMC, the Answering Respondent had made assessments pertaining to the specifications for Phase 1. Therefore, the Answering Respondent has stipulated a condition that the project proponent must adhere to the specifications mentioned in its application, i.e., 2.5TMC reservoir servicing an ayacut of 9700 hectares. The condition does not prohibit the proponent from expanding the project at a later stage but merely means that if the project proponent is desirous of increasing the ayacut or cultivable command area, capacity, or specifications, it must do so only after obtaining prior approval of the Answering Respondent.

27. With respect to Grounds A and B, the same are denied. The averments are repetitive in nature and have been sufficiently addressed hereinabove.

28. With respect to Ground C, the Answering Respondent states that it is the appropriate authority for the purposes of assessing the present project and processing the application for grant of Environmental Clearance, for the reasons set out hereinabove. The Answering Respondent states that it is an independent body of MoEF &CC, Government of India. The Answering Respondent is a 15-member body with experts from different fields of expertise. The members are academicians spanning over diverse areas of science including Civil Engineering, Biotechnology, Biochemistry, Zoology, Bio Sciences & Sericulture, Zoology, Mining, Chemical Engineering, Pharmaceutical Sciences and hold important positions in reputed and pioneer education institutions. The professional qualifications of the members who


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constitute the present members of the Answering Respondent are set out in detail in SO 1848(E) dated 12.05.2021, a copy of which is annexed as **Annexure - 11**. To suggest that there has been any use of undue influence and/ or violation of principles of natural justice is therefore fallacious and untenable. The Appellant is therefore put to strict proof of its allegations and is liable to be penalized with exemplary costs for raising such mala fide allegations against public officials, without any material basis whatsoever.

29. With respect to Grounds D to F, the same are denied. The averments are repetitive in nature and have been sufficiently addressed hereinabove.

30. With respect to Ground G, the Answering Respondent states that the Appellants have not demonstrated the applicability of the principles stated therein to the case at hand and therefore, the contents of the said paragraph do not warrant a specific response. The Answering Respondent craves leave to make legal submissions in this regard, when required.

31. With respect to Ground H, the Answering Respondent denies the contents thereof. The Answering Respondent states that it has granted the Environment Clearance to the project proponent after duly following the procedure under law, as has been sufficiently explained hereinabove. The Appellant has failed to disclose any material particulars regarding the alleged acts of breach by the Project Proponent, regarding the alleged failure to take "mandatory environment protection measures". The Appellant has sought to raise such unfounded allegations to derail a public infrastructure project that furthers sustainable development and attempts to mitigate the impact of climate change.

32. With respect to Ground I, the Answering Respondent denies the contents thereof. For the reasons and submissions set out hereinabove,


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the Answering Respondent repeats and reiterates that there is no necessity for a public hearing for the present project.

33. With respect to Ground J, the Answering Respondent denies the contents thereof. The allegations therein proceed on the basis of baseless surmise and conjecture. The allegations pertaining to the requirement of seismic study have been set out hereinabove.

34. With respect to Ground K, the Answering Respondent states that the importance of public hearing highlighted by the Hon'ble Supreme Court of India in Hanuman Laxman Aroskar vs. Union of India is applicable only to such of those projects that require the public consultation process under the EIA Notification, 2006 in the first place. In the present case, the project in question falls within Category B2, which is specifically exempt from public consultation. Therefore, the present project does not require public consultation and the principle sought to be relied upon by the Appellants will therefore not apply to the present project.

35. With respect to Ground L, the Answering Respondent submits that the requirement for obtaining data for all individual projects refers to an express recommendation by the High Powered Committee in the said case and the directions passed by the Hon'ble Supreme Court of India in Paras. 118 and 119 of For Green Doon and Ors. vs. Union of India dealt with failure to adhere to the express recommendations of the HPC. The observations are not in the nature of general principles of law, as is sought to be portrayed by the Appellants. In any event, the Answering Respondent states that it has assessed the impact of the project on the environment and affected persons, as required under law, and it was only after being satisfied that the project is environmentally sustainable that the Answering Respondent has granted the Impugned EC.

36. With respect to Ground M, the Answering Respondent submits that the principles laid down by the Hon'ble National Green Tribunal, Principal Bench in *Keystone Realtors Pvt. Ltd. vs. Anil V. Tharthare*, as affirmed by the Hon'ble Supreme Court of India will not apply to the present case. In *Keystone*, the Project Proponent, while increasing the area of the building project, failed to apply under the expansion category for a fresh environment clearance under Clause 7(ii) of the EIA Notification, 2006. Instead, the proponent merely chose to amend the earlier application, thereby circumventing scrutiny of the impact of the increased area as envisaged under Clause 7(ii) of the EIA Notification, 2006. The Answering Respondent states that the mischief sought to be remedied by the Hon'ble Supreme Court of India would apply only when the project proponent begins implementation of Phase 2 by merely seeking to 'amend' the present application or EC instead of applying for expansion under Clause 7 (ii) of the EIA Notification, 2006. Should the project proponent apply for the requisite permission under Clause 7(ii), the issue would not arise.

37. With respect to Grounds N to Q, the same are denied. The averments are repetitive in nature and have been sufficiently addressed hereinabove.

38. It is submitted that this respondent craves leave of this Hon'ble Tribunal to address any further queries that may arise during the course of proceedings, through an additional counter, if required.


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In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above APPEAL No.56 of 2022 and pass such further or other orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed Vijayawada
Andhra Pradesh on
this the 8th day of December 2022
and signed his name in my presence


Member Secretary
SEIAA, AP

BEFORE ME



Advocate

VERIFICATION

I, Dr. P.V.Chalapathi Rao, S/o Pasala Lakshmaiah, Aged about 53 years, Member Secretary, A.P State Environment Impact Assessment Authority, Andhra Pradesh hereby verify that the contents of Para's of Counter Affidavit are based on record and information are true to the best of my knowledge and belief.

Hence, verified on the 8th day of December 2022 at Vijayawada


Member Secretary
SEIAA, AP

DEPONENT

Annexure-1

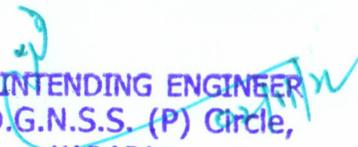
Statement of Inflows & Outflows of Somasila Project from 2017-18 to 2022-23 (upto 29.10.2022)

Year	Inflow	Delta + Kanupur	SKFFC	Kavali Canal	NFC	SFC	Losses	Surplus to Pennar River	Total Outflow
2017-2018	76.843	24.79	22.35	10.40	5.88	4.08	4.133	—	71.633
2018-2019	50.25	25.01	12.98	6.15	3.95	1.15	4.184	—	53.424
2019-2020	173.145	46.270	67.63	10.38	10.926	5.108	5.133	5.283	150.730
2020-2021	375.332	31.978	72.66	9.33	10.323	4.439	8.190	222.612	359.532
2021-2022	415.63	28.356	31.255	14.928	8.44	5.70	8.707	308.699	406.085
2022-Till Date	142.653	10.000	33.00	4.35	0.74	1.04	2.50	82.293	133.926


 Superintending Engineer
 Somasila Project Circle, Nellore

YEAR WISE INFLOWS AND OUT FLOWS OF GANDIKOTA RESERVOIR
upto 31.10.22

Sl.No	YEAR	INFLOWS			Outflows	REMARKS
		SELF CATCHMENT	FLOOD FLOW CANAL	TOTAL		
1.	June'13 to May'14	0.159	3.075		1.274	
2	2014 to 2015	-	-	-	-	
3	2015 to 2016	-	-	-	-	
4	2016 to 2017	-	5.04	5.04	2.641	
5	2017 to 2018	5.00	18.363	23.363	15.785	
6	2018 to 2019	-	12.808	12.808	10.629	
7	2019 to 2020	7.26	56.29	63.55	57.657	
8	June 2020 to ^{May} 2021	22.98	44.169	67.149	44.025	
9	2021 to 2022	46.66	8.6	55.26	51.25	
10	2022 to 2023 upto 31.10.22	61.43	1.68	63.11	60.40	


 SUPERINTENDING ENGINEER
 S.K.D.G.N.S.S. (P) Circle,
 KADAPA.

**MINUTES OF THE REVIEW MEETING HELD ON 08.05.2022 AT 11-00 AM
IN THE CHAMBERS OF THE CHIEF ENGINEER, NTR TELUGU GANGA
PROJECT, TIRUPATI ON ACTION PLAN FOR CREATING SUSTAINABLE
AND RELIABLE SOURCE FOR DRINKING WATER SUPPLY IN WESTERN
PART OF CHITTOOR DISTRICT BY FORMING AVULAPALLI BALANCING
RESERVOIR, UTILISING SELF YIELD RUNOFF FROM LOCAL CATCHMENT
AREA IN THE FIRST PHASE**

The Chief Engineer, NTR TGP Unit, Tirupati conducted a review meeting with the Superintending Engineer of Irrigation Circle, Chittoor, Executive Engineer, Irrigation Division, Madanapalle along with the field engineers with an objective to work out action plan for the construction of Avulapalle Reservoir in Punganur Assembly Constituency in phased manner.

Officers Present:

- 1.Sri Vijayakumar Reddy,
Superintending Engineer, Irrigation Circle, Chittoor.
- 2.Sri T.Surendra Reddy ,
Executive Engineer, Irrigation Division, Madanapalle ,
- 3.Smt. M.Prasanna Kumari,
Deputy Executive Engineer, Irrigation Sub Division, Piler
- 4.Sri C.Shabareesh Kumar,
Assistant Executive Engineer.
5. Sri O.Bharath Kumar,
Assistant Executive Engineer.

The Superintending Engineer of the Irrigation Circle, Chittoor and the Executive Engineer, Irrigation Division Madanapalle have reported that the formation of Avulapalle Balancing Reservoir, with a contemplated storage of 3.50TMC in Somala Mandal of Punganur Assembly Constituency is getting delayed due to litigations raised by some people in the name of farmers in the Court of Law with an intention to stall execution of the Avulapalle Reservoir.

The Chief Engineer, NTR TGP Unit, Tirupati has informed that the project is intended to provide long-term relief to the people and live stock during the times of drought and famine to assure drinking water whenever scarce and to help in the reversal of the desertification process by improving environment and ecology of the area. It would provide drinking water facility to approximately 2.76 lakh people in – Punganur and Piler Assembly Constituencies. The Chief Engineer has reiterated the priorities of the Govt in bringing relief at the earliest to the people of chronically drought prone areas by creating storage and distribution network of drinking water by proposing alternative reliable action plan.

The Superintending Engineer, Irrigation Circle, Chittoor has suggested to take up the construction of Avulapalle Balancing Reservoir in phased manner (Phase one and phase two) as submitted to the NGT earlier. The Superintending Engineer has reported that the run-off yield from self-catchment is estimated at 2.50 TMC, which can be impounded in the proposed Avulapalle Reservoir. Therefore, it is now proposed to take up the Avulapalle Reservoir work with storage capacity limiting to 2.50TMC in the first phase for providing assured drinking water to approximately 2.76 lakhs and 9700 ha of ayacut and can be improved in second phase with additional storage of 1.00TMC later, based on the availability of funds and the water from other sources.

The Chief Engineer with due diligence accepted the above view of all the concerned engineers and on various merits of the proposal, it is construed to take up the proposed Avulapalle Reservoir by taking up execution of works in phased manner as already submitted to the NGT earlier. The first phase of construction shall be for augmenting to the supply of the drinking water to approximately 2.76 lakh people and 9700ha of ayacut with a storage capacity of 2.50TMC. The Chief Engineer, NTR TGP Unit directed the field engineers to expedite execution of the first phase of Avulapalle Reservoir duly chalking out an action plan for resolving issues, if any, and obtain clearances required for first phase of the reservoir on top priority so as to achieve the intended objectives of the Government to supply drinking water to the needy people and water to the contemplated ayacut under Phase-I.


Chief Engineer,
NTR Telugu Ganga Project,
Tirupati.


Superintending Engineer,
Irrigation Circle,
Chittoor.


Executive Engineer,
Irrigation Division,
Madanapalle.


Deputy Executive Engineer,
Irrigation sub Division,
Piler.


Assistant Executive Engineer
Irrigation section ,
Thavanampalle.


Assistant Executive Engineer
Section No.III,
CWSS Sub Div-2,Chittoor.

Annexure-4

YEAR WISE OUT FLOWS OF SITHAMMA CHERUVU

S.No	Year	Outflows in TMC
1	2016	1.427
2	2017	1.876
3	2018	1.427
4	2019	1.876
5	2020	3.447
6	2021	2.889


04/11/2021
Superintending Engineer
Irrigation Circle
Chittore

Envis Centre, Ministry of Environment & Forest, Govt. of India

Printed Date: Wednesday, June 23, 2021

Notification 14th August 2018 - S.O. 3977(E)

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 3181]

नई दिल्ली, मंगलवार, अगस्त 14, 2018/श्रावण 23, 1940

No. 3181]

NEW DELHI, TUESDAY, AUGUST 14, 2018/SHRAVANA 23, 1940

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 14th August, 2018

S.O. 3977(E).— Whereas, by notification of the Government of India in the erstwhile Ministry of Environment and Forests vide number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the said notification entailing capacity addition with change in process or technology or product mix shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

And whereas, the said Ministry has received requests, for delegation of more powers to State Environment Impact Assessment Authority (SEIAA) and District Environment Impact Assessment Authority (DEIAA) with respect to grant of Environment Clearances;

And whereas clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 was published, vide number S.O.3933 (E) dated the 18th December 2017, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date of publication of said notification in the Gazette of India;

And whereas, copies of the said notification were made available to the public on 18th December 2017;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the Environment Impact Assessment Notification, 2006 namely:-

In the said Notification, in the SCHEDULE, for item 1(a), 1(c), and the Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation in Appendix-XI and entries relating thereto, the following item and entries shall be substituted, namely:

Project or Activity	Category with threshold limit		Conditions if any
	A	B	

1 Mining, extraction of natural resources and power generation (for a specified production capacity)					
(1)	(2)	(3)	(4)		(5)
1 (a)	(i) Mining of minerals	> 100 ha. of mining lease area in respect of non-coal mine lease. > 150 ha of mining lease area in respect of coal mine lease Asbestos mining irrespective of mining area.	≤ 100 ha of mining lease area in respect of non-coal mine lease. ≤ 150 ha of mining lease area in respect of coal mine lease.		General Conditions shall apply except: (i) for project or activity of mining of minor minerals of Category 'B2' (up to 25 ha of mining lease area); (ii) for project or activity of mining of minor minerals of Category 'B1' in case of cluster of mining lease area; and (iii) River bed mining projects on account of inter-state boundary. Note: (1) Mineral prospecting is exempted; (2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI;
	(ii) Slurry pipelines (coal, lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	All projects.			
1 (c)	(i) River Valley projects	(i) ≥ 50 MW hydroelectric power generation;	(i) ≥ 25 MW and < 50 MW hydroelectric power generation;		General Condition shall apply. Note:- (i) Category 'B' river valley projects falling in more than one state shall be appraised at the central Government Level. (ii) Change in irrigation technology having environmental benefits (eg. From flood irrigation to Drip irrigation etc.) by an existing project, leading to increase in Culturable Command Area but without increase in dam height and submergence, will not require amendment/ revision of EC.
	(ii) Irrigation projects	(ii) ≥ 50,000 ha. of culturable command area	(ii) > 2000 ha. and < 50,000 ha. of culturable command area.		
			Irrigation system	Requirement of EC	
			(a) Minor Irrigation system (≤ 2000 Ha)	Exempted	
		(b) Medium irrigation system (> 2000 ha. and < 10,000 ha.)	Required to prepare EMP and to be dealt at State Level (B ₂ category).		



भारत का राजपत्र

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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 20 अप्रैल, 2022

का.आ. 1886(अ).—केंद्रीय सरकार पर्यावरण और वन विभाग के पूर्ववर्ती मंत्रालय में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा (3) की उप-धारा (1) और उप-धारा (2) के खंड (v) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण समाघात निर्धारण अधिसूचना, 2006 (जिसे इसमें इसके पश्चात ईआईए अधिसूचना, 2006 कहा गया है), परियोजनाओं की कतिपय प्रवर्ग के लिए पूर्व पर्यावरणीय मंजूरी आज्ञापक बनाने के लिए, संख्या का.आ.1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की है।

और राज्य पर्यावरण समाघात निर्धारण प्राधिकरण (एसईआईए) का गठन प्रवर्ग ख के अधीन सभी प्रस्तावों के लिए पर्यावरण मंजूरी (ईसी) पर विचार और अनुदान के लिए प्रत्यायोजित शक्तियों का प्रयोग करने हेतु राज्य स्तर पर ईआईए अधिसूचना, 2006 के कार्यान्वयन के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (3) के अधीन किया गया है;

और राज्य पर्यावरण समाघात निर्धारण प्राधिकरण ने पर्यावरण मंजूरी मूल्यांकन प्रक्रिया में पिछले पंद्रह वर्षों में पर्याप्त अनुभव प्राप्त किया है और राज्य स्तर पर पर्यावरण मंजूरी प्रस्तावों के कुशल और पारदर्शी निपटान के लिए परिवेश पोर्टल के माध्यम से पूरी तरह से ऑनलाइन कर दिया गया है;

और केंद्रीय सरकार राज्य स्तर पर मंजूरी की प्रसुविधा के लिए पर्यावरण मंजूरी प्रक्रिया को और विकेंद्रीकृत करना आवश्यक समझती है;

और आज की तारीख में, सुरक्षा भागीदारी के महत्वपूर्ण तत्वों के साथ राष्ट्रीय रक्षा और सामरिक महत्व से संबंधित प्रवर्ग ख की परियोजनाओं का राज्य स्तर पर भी मूल्यांकन किया जा रहा है, जिसे केंद्रीय सरकार राष्ट्रीय सुरक्षा चिंताओं को ध्यान में रखते हुए केंद्रीय रूप से मूल्यांकन करना आवश्यक समझती है;

अतः अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त नियमों के नियम 5 के उप-नियम (3) के खंड (क) के अधीन नोटिस की अपेक्षा को समाप्त करने के पश्चात्, लोकहित में भारत सरकार की तत्कालीन पर्यावरण एवं वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ), तारीख 14 सितम्बर, 2006, की अधिसूचना में निम्नलिखित और संशोधन करती है अर्थात्:-

उक्त अधिसूचना में-

(1) पैरा 4 में, उप-पैरा (iii) क) के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्: -

(iii) क) राष्ट्रीय रक्षा या सामरिक या सुरक्षा महत्व से संबंधित हैं या जिन्हें केंद्रीय सरकार द्वारा संकटकाल जैसे महामारी, प्राकृतिक आपदाओं जैसी अत्यावश्यकताओं के कारण ऐसी प्रवर्ग 'ख' परियोजनाओं को अधिसूचित किया गया है या राष्ट्रीय कार्यक्रमों या स्कीमों या मिशन या ऐसी परियोजनाओं के अधीन पर्यावरण के अनुकूल क्रियाकलापों का संवर्धन करने के लिए जो इस अधिसूचना में यथा अधिकथित समय-सीमा से अधिक विलंबित हैं और समय-समय पर इस संबंध में यथा-अधिकथित मानदंडों को पूरा करती हैं, उन्हें केंद्रीय स्तर पर प्रवर्ग 'ख' परियोजनाओं के रूप में विचार किया जाएगा;

(2) अनुसूची में, -

(i) मद 1(क) के सामने, -

(क) स्तंभ (3) में, -

(क) गैर-कोयला खनन पट्टे के संबंध में "> 100 हेक्टेयर खनन पट्टा क्षेत्र" के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्: -

"कोयले के अलावा अन्य प्रमुख खनिज खनन पट्टे के संबंध में >250 हेक्टेयर खनन पट्टा क्षेत्र";

(ख) ">150 हेक्टेयर" प्रतीक, अंक और अक्षर के स्थान पर, "> 500 हेक्टेयर" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) स्तंभ (4) में, -

(क) गैर-कोयला खनन के संबंध में <100 हेक्टेयर खनन पट्टा क्षेत्र के स्थान पर,

पट्टा", निम्नलिखित रखा जाएगा, अर्थात्: -

"लघु खनिज खनन पट्टों के संबंध में सभी खनन पट्टा क्षेत्र और कोयले के अलावा अन्य प्रमुख खनिज खनन पट्टे के संबंध में <250 हेक्टेयर खनन पट्टा क्षेत्र";

(ख) "<150 हेक्टेयर" के प्रतीकों, अंकों और अक्षरों के स्थान पर "<500 हेक्टेयर" के प्रतीक, अंक और अक्षर रखे जाएंगे;

(ii) मद 1(ग) के सामने, -

(क) स्तंभ (3) में, -

(क) क्रम संख्या (i) में, "> 50 मेगावाट, प्रतीकों, अंकों और अक्षरों के स्थान पर "> 100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) क्रम संख्या (ii) और उससे संबंधित प्रविष्टियों का लोप किया जाएगा;

(ख) स्तंभ (4) में, -

(क) क्रम संख्या (i) में, "<50 मेगावाट" प्रतीक, अंक और अक्षर के स्थान पर, "<100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) क्रम संख्या (ii) में, -

(I) "और <50,000 हेक्टेयर" शब्द, प्रतीक और अंक का लोप किया जाएगा;

(II) बिंदु (ग) में सारणी में, "से <50,000" शब्द, प्रतीक और अंक का लोप किया जाएगा; ।

(ग) स्तंभ (5) में, क्रम संख्या (ii) के पश्चात, निम्नलिखित क्रम संख्या अंतःस्थापित किया जाएगा, अर्थात् :-

"(iii) अंतर-राज्यीय मुद्दों से संबंधित सिंचाई परियोजनाओं का मूल्यांकन केंद्रीय स्तर पर श्रेणी में परिवर्तन के बिना किया जाएगा।";

(iii) मद 1(घ) के सामने,-

(क) स्तंभ (3) में, "> 50 मेगावाट" प्रतीकों, अंकों और अक्षरों के स्थान पर, "> 100 मेगावाट" प्रतीकों, अंकों और अक्षरों को रखा जाएगा;

(ख) स्तंभ (4) में, "<50 मेगावाट" प्रतीक, अंक और अक्षर के स्थान पर, "<100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(iv) मद 2(क) के सामने, -

(क) स्तंभ (3) में, ">1" प्रतीकों और अंक के स्थान पर, ">2.5" प्रतीकों और अंक को रखा जाएगा;

(ख) स्तंभ (4) में, "<1" प्रतीकों और अंक के स्थान पर, "< 2.5" प्रतीक और अंक रखे जाएंगे;

(ग) स्तंभ (5) में, विद्यमान पैरा के पश्चात, निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात्: -

"खनन पट्टा क्षेत्र के भीतर स्थित धुलाई मशीनों के साथ एकीकृत कोयला खनन परियोजनाओं को कोयला खनन परियोजनाओं के लिए विद्यमान सीमा के अनुसार केंद्रीय स्तर या राज्य स्तर पर, यथास्थिति, विचार किया जाना जारी रहेगा।";

(v) मद 2 (ख) के सामने, -

(क) स्तंभ (3) में, विद्यमान प्रविष्टियों का लोप किया जाएगा;

(ख) स्तंभ (4) में, "<0.5 मिलियन टीपीए का उत्पादन" प्रतीक, अंक, शब्द और अक्षर के स्थान पर, "सभी खनिज परिष्करण परियोजना, परिष्करण की प्रक्रिया पर ध्यान दिए बिना" शब्द रखे जाएंगे;

(ग) स्तंभ (5) में, विद्यमान पैरा के पश्चात, निम्नलिखित पैरा रखा जाएगा,

अर्थात्: -

"भीतर स्थित लाभकारी संयंत्रों के साथ एकीकृत खनन परियोजनाएं खनन पट्टा क्षेत्र पर केन्द्रीय स्तर पर विचार किया जाता रहेगा या यथास्थिति, राज्य स्तर, खनन परियोजनाओं के लिए विद्यमान सीमा के अनुसार।";

(vi) मद 7 (क) के सामने,-

(क) स्तंभ (3) में, "सभी परियोजनाओं" शब्दों के स्थान पर "सभी नई परियोजनाएं" शब्द रखे जाएंगे;

(ख) स्तंभ (4) में, निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्: -

"सभी विस्तार परियोजनाएं, जिनमें हवाई पट्टियां भी सम्मिलित हैं, जो वाणिज्यिक उपयोग के लिए हैं।"

[फा. सं. आईए 3-22/10/2022-आईए. III]

डॉ. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड III, उप-खंड (ii), संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और अधिसूचना संख्या का.आ. 1807(अ), तारीख 12 अप्रैल, 2022 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 20th April, 2022

S.O. 1886(E).—WHEREAS, the Central Government in the erstwhile Ministry of Environment and Forests, in exercise of its powers under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 has published the Environment Impact Assessment Notification, 2006 (hereinafter referred to as the EIA Notification, 2006), vide number S.O.1533 (E), dated the 14th September, 2006 for mandating prior environmental clearance for certain category of projects;

And whereas, the State Environment Impact Assessment Authorities (SEIAAs) have been constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for implementation of the EIA Notification, 2006 at State level for exercising delegated powers to consider and grant Environmental Clearance (EC) for all proposals under Category B;

And whereas, the SEIAAs have gained substantial experience over the past fifteen years in the EC appraisal process and the process at the State level has also been made completely online through the PARIVESH portal for efficient and transparent disposal of EC proposals;

And whereas, the Central Government deems it necessary to further decentralise the EC process for facilitating clearances at State level;

And whereas, as on date, category 'B' projects, relating to national defence and strategic importance with significant element of security involvement are also being appraised at the State level which, the Central Government deems it necessary to be appraised centrally taking into account national security concerns;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule(4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, hereby makes the following further amendments in the notification of the Government of India, in the erstwhile Ministry of Environment and Forests, number S.O. 1533 (E), dated the 14th September, 2006, namely:-

In the said notification,-

(1) in paragraph 4, for sub-paragraph (iii a), the following shall be substituted, namely:-

(iii a) Such Category 'B' projects, relating to the National defence or strategic or security importance or those as notified by the Central Government on account of exigencies such as pandemics, natural disasters or to promote environmentally friendly activities under National Programmes or Schemes or Missions or such projects which are inordinately delayed beyond the stipulated timeline as laid down in this notification and also meet the criteria as laid down in this regard from time to time, shall be considered at the Central level as Category 'B' projects;

(2) in the Schedule,-

(i) against item 1(a),-

(a) in column (3),-

(A) for ">100 ha. of mining lease area in respect of non-coal mining lease", the following shall be substituted, namely:-

">250 ha mining lease area in respect of major mineral mining lease other than coal";

(B) for the symbol, figures and letters "> 150 ha", the symbol, figures and letters "> 500 ha" shall be substituted;

(b) in column (4),-

(A) for "≤ 100 ha of mining lease area in respect of non-coal mine lease", the following shall be substituted, namely:-

"All mining lease area in respect of minor mineral mining leases and ≤ 250 ha mining lease area in respect of major mineral mining lease other than coal";

(B) for the symbols, figures and letters “ ≤ 150 ha”, the symbols, figures and letters “ ≤ 500 ha” shall be substituted;

(ii) against item 1(c),—

(a) in column (3),—

(A) in serial number (i), for the symbols, figures and letters “ ≥ 50 MW”, the symbols, figures and letters “ ≥ 100 MW” shall be substituted;

(B) serial number (ii) and the entries relating thereto shall be omitted;

(b) in column (4),—

(A) in serial number (i), for the symbol, figures and letters “ < 50 MW”, the symbol, figures and letters “ < 100 MW” shall be substituted;

(B) in serial number (ii),—

(I) the word, symbol and figures “and $< 50,000$ ha.” shall be omitted;

(II) in point (c) in the table, the word, symbol and figures “to $< 50,000$ ” shall be omitted;

(c) in column (5), after serial number (ii), the following serial number shall be inserted, namely:—

“(iii) Irrigation projects involving Inter-State issues shall be appraised at Central level without change in category.”;

(iii) against item 1(d),—

(a) in column (3), for the symbols, figures and letters “ ≥ 50 MW”, the symbols, figures and letters “ ≥ 100 MW” shall be substituted;

(b) in column (4), for the symbol, figures and letters “ < 50 MW”, the symbol, figures and letters “ < 100 MW” shall be substituted;

(iv) against item 2(a),—

(a) in column (3), for the symbols and figure “ ≥ 1 ”, the symbols and figures “ ≥ 2.5 ” shall be substituted;

(b) in column (4), for the symbols and figure “ < 1 ”, the symbols and figures “ < 2.5 ” shall be substituted;

(c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—

“Integrated coal mining projects with washeries located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for coal mining projects.”;

(v) against item 2 (b),—

(a) in column (3), the existing entries shall be omitted;

(b) in column (4), for the symbol, figures, words and letters “ < 0.5 million TPA throughput”, the words “All mineral beneficiation projects irrespective of the procedure for beneficiation” shall be substituted;

(c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—

“Integrated mining projects with beneficiation plants located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for mining projects.”;

(vi) against item 7 (a),—

(a) in column (3), for the words “All projects”, the words “All new projects” shall be substituted;

(b) in column (4), the following shall be inserted, namely:—

“All expansions projects, including airstrips, which are for commercial use.”.

[F. No. IA3-22/10/2022-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section III, sub-section (ii), vide, number S.O. 1533(E), dated the 14th September, 2006 and was last amended, vide, the notification number S.O. 1807(E), dated the 12th April, 2022.

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department – “Investigation and Construction of Lift Schemes to lift water from GNSS to HNSS” - Administrative Approval – Accorded – Orders – Issued.

WATER RESOURCES (PROJECTS.III) DEPARTMENT

G.O.RT.No. 444

Dated: 26-08-2020.

Read the following:

1)	From Chief Engineer (P), Kadapa Lr. No:CE(P)/WRD/KDP/TS2/ Chakrayapet/ 2020 / Dt:30-05-2020.
2)	From the Engineer-in- Chief (I), Vijayawada Letter No.ENC (I)/DCE (GDS)/OT2/ AEE5/CHAKRAYAPETA LI SCHEME, Dt:17.06.2020.
3)	From the Chief Engineer (P), Kadapa, Lr.No: CE(P)/WRD/KDP/TS2/ Chakrayapet/2020, Dt:20.07.2020.

&&&&

ORDER:

In the letter 1st read above, the Chief Engineer (P), Kadapa has requested the Government to accord administrative approval for the estimate for the work “Investigation and Construction of Lift Schemes to lift water from GNSS to HNSS” for an amount of Rs.5139.00 Crores.

2. In the letter 2nd read above, the ENC (I), Vijayawada has requested the Government to consider the replies of the Chief Engineer(P), Kadapa letter dated:20.07.2020 while according administrative approval for the subject work.

3. Government after careful examination of the proposal of Chief Engineer (P), Kadapa, hereby accorded administrative sanction for the work “Investigation and Construction of Lift Schemes to lift water from GNSS to HNSS” for an amount of Rs.5036,00,00,000/- (Rupees Five Thousand and Thirty Six Crores only) in relaxation of FRBM norms subject to condition that the CE has to ensure the following before according technical sanction:

i)	The correctness of quantities, leads, rates and data proposed in the estimate.
ii)	Approved Designs and drawings by competent authority have to be obtained i.e., CE, CDO
iii)	Detailed estimates have to be obtained for each of the components/items of the proposed LS provisions.
iv)	As per the revised Sand Policy of the Govt. the Sand rate have to be adopted.
v)	The Present proposal shall not overlap any other works/packages.
vi)	As per GO Ms No.11, dt.11.2.2020, the Seigniorage charges have to be worked out and shown in the abstract as LS provision.

4. The above expenditure is debitable to the HOA:4700 Col on Major Irrigation – 01 Major Irrigation (Commercial) – MH 133 SKD GNSS – GH 11 State Development Schemes – SH 27 – 530 Major Works/531 Major Works.
5. The Chief Engineer (Projects), Kadapa shall take further action accordingly.
6. This order issues with the concurrence of Finance (FMU.WR.II) Department vide their UO No. FIN01-FMU0MRAS(WR2)/186/2020-FMU-WRII,Dated:15-08-2020.

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

**ADITYA NATH DAS, IAS
SPECIAL CHIEF SECRETARY TO GOVT**

To

The Chief Engineer (Projects), Kadapa.

Copy to:

The ENC (I), Vijayawada.

The Director of Works & Accounts, Vijayawada

The Finance (FMU.WR.II) Department

The PS to Minister (WRD)

The PS to Special Chief Secretary (WRD)

File No ICD01/MJIR/267/2020-PROJECTS-III(1155189)

SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER

Annexure-8

SAFETY CONSIDERATIONS IN EARTH BUND OF AVULAPALLI BALANCING RESERVOIR CONSIDERING EARTHQUAKE CONDITION

Avulapalli Balancing Reservoir is proposed near Avulapalli (V), in Somala (M), of Chittoor District. The proposed project location is at Longitude 78° 28'28.68"E and Latitude 13° 24'5.40"N.

As per the project site location, the dam falls under Seismic Zone- II of seismic zones of India map which has the horizontal coefficient of 0.06 with Importance factor of 3 as per IS: 1893-1984(PART- 1) "Criteria for earthquake resistant design of structures".

The Design / Stability analysis of Earth bund is finalized considering various loading conditions including earthquake condition for steady seepage on downstream and reservoir full on upstream in line with provisions in Appendix A(clause 5.1.1) of IS 7894-1975 duly adopting minimum desired factor of safety value. The design seismic forces are computed on the basis of importance factor of the structure and its soil foundation system. The factor of safety values obtained for steady seepage with seismic condition is 1.518 and for sudden drawdown with seismic condition is 1.197 against the minimum desired value of 1.0 which implies that the earth dam designed is very much safe against seismic force.

As the project site falls under seismic Zone-II which has the lowest horizontal seismic coefficient of 0.06 and in the stability analysis the influence of seismic load is already considered, approval of seismic design parameters separately by Central Water Commission and National Commission of Seismic Design Parameters (NCSDP) is not required and need not be considered.

Further it is pertinent to state that, Central Designs Organisation of Water Resources Department of Government of Andhra Pradesh is an ISO-9001-2015 accredited organisation which is an apex body for approval of designs and drawings pertaining to Irrigation structures taking up by the Government since 1978 which has dealt with various challenging designs right from major dams/reservoirs to irrigation structures network which are functioning very well since their operation.

Encl: Seismic Zone Map



Chief Engineer,
 Central Designs Organisation,
 Vijayawada.



Over 4 decades of
 dedicated service to the nation...

Annexure-9

SITE INSPECTION REPORT OF MUDIVEEDU BALANCING RESERVOIR, NETHIGUNTAPALLI BALANCING RESERVOIR AND AVULAPALLI BALANCING RESERVOIR IN CHITTOOR DISTRICT WITH RESPECT TO O. A. NO. 137 OF 2021 (SZ) IN THE MATTER OF GUTHA GUNASEKHAR AND ORS. VS UNION OF INDIA AND ORS.

1.0 Preamble

The Hon'ble National Green Tribunal (NGT), Southern Zone (SZ) vide order dated 29.11.2021 in O.A. No. 137 of 2021 (SZ) in the matter of Gutha Gunasekhar and Ors. Vs Union of India and Ors. has issued the following directions:

"2. The learned Senior Advocate appearing for the State of Andhra Pradesh submitted that a perusal of Environmental Clearance (EC) will go to show that it is not for completion of the work, but for starting the construction work. After the Environmental Clearance (EC) were obtained, due to passage of time and also change of circumstances, they feel that it is not profitable and feasible to have independent projects, instead they want to have a combined project together with some modifications, for which, certain preliminary investigation has to be conducted and that is only undergoing, which includes preparation of Detailed Project Report (DPR).

3. The MoEF&CC is the authority to come with a reply statement regarding the action of the State of Andhra Pradesh, whether it is proper or not, in view of the allegations made by the applicant."

In compliance to above, MoEF&CC, New Delhi vide letter no. L-11011/17/2021-IA-I(RV) dated 09.12.2021 has requested Integrated Regional Office (IRO), Vijayawada to verify the factual status of allegations made in O.A. 137 of 2021 (SZ).

In compliance to above directions, Dr. Suresh Babu Pasupuleti, Scientist 'D' from Ministry's Integrated Regional Office (IRO), Vijayawada has conducted site inspection of Mudiveedu balancing reservoir, Nethiguntapalli balancing reservoir and Avulapalli balancing reservoir in Chittoor District on 26.12.2021. During the visit, the following officials were present:

Officials from HNSS Project:

1. Sri. K. Harinarayana Reddy, Chief Engineer, NTR TGP Tirupati.



2. Sri. P. Vijay Kumar Reddy, Superintending Engineer, Irrigation Circle, Chittoor.
3. Sri T. Surendra Reddy, Executive Engineer, Irrigation Division, Madanapalle.
4. Sri G. Suresh Babu, Deputy Executive Engineer, Irrigation Sub-Division, Thambalapalli, Madanapalli.
5. Sri. S.Gane Naik, Deputy Executive Engineer, Irrigation Sub-Division , Punganur.
6. Smt M. Prasanna kumari, Deputy Executive Engineer, Irrigation sub - Division, Pileru.
7. Sri P. Nagendra, Assistant Executive Engineer, Irrigation Section, Mulakalacheruvu.

Officials from GNSS Project:

1. Sri S.C. Ramu Naik, Executive Engineer, NTR TGP Division No.1, Kadapa.
2. Sri E. Saradhi, Deputy Executive Engineer, NTR TGP Sub Division No. 4, Pulivendula.
3. Sri. Y. Pradeep Reddy, Assistant Executive Engineer, NTR TGP Sub Division No. 4, Pulivendula.
4. Sri. S. Arif Basha, Assistant Executive Engineer, NTR TGP Sub Division No. 4, Pulivendula.

2.0. Existing GNSS and HNSS Projects

2.1. Galeru Nagari Sujala Shravati (GNSS) Project

The Galeru Nagari Sujala Shravati (GNSS) Project is contemplated for providing irrigation to 2.60 Lakhs in two districts of YSR Kadapa and Chittoor duly utilizing 38 TMC of surplus flood water from Krishna river out of which 10.87 TMC of water is allocated for irrigating contemplated ayacut of 1,05,000 acres in Chittoor district.

The Environmental Clearance (EC) has obtained to the GNSS Project vide letter no. J-12011/18/2006-IA-I dated 21.06.2006 for drawl of 38 TMC of surplus flood water from Krishna river to provide irrigation facilities to 2.60 Lakh acres in two districts of Kadapa and Chittoor.



2.2. Handri Neeva Sujala Shravanti (HNSS) Project

The Handri Neeva Sujala Shravanti (HNSS) Project Project is contemplated for providing irrigation facilities of 6.025 lakh acres in the four drought prone Districts of Rayalaseema i.e., Kurnool, Ananthapur, YSR Kadapa and Chittoor Dist, duly utilizing 40 TMC of flood waters of Krishna River out of which 9.29 TMC of water is allocated to Chittoor District for irrigating contemplated ayacut of 1,81,400 acres.

The Environmental Clearance (EC) is obtained to the HNSS Project vide letter no. J-12011/10/2006-IA-I dated 08.05.2006 for utilization about 40 TMC of flood water for providing irrigation facilities of 6.025 lakh acres in the four Districts of Rayalaseema i.e., Kurnool, Ananthapur, YSR Kadapa and Chittoor Dist.

Details of implementation status of both GNSS and HNSS projects area as follows:

Sl No.	Name of the Project	Name of the District	Water allocation in TMC	Ayacut Contemplated in Acres	Ayacut Created in Acres
1	HNSS PROJECT	Kurnool	5.320	80,000	45,300
		Ananthapur	22.91	3,08,500	6,000
		Kadapa	2.48	32,600	21,785
		Chittoor	9.29	1,81,400	14,250
			40.00	6,02,500	87,335
2	GNSS PHASE-I	Kadapa	27.13	35000	4,000
3	GNSS PHASE-II	Kadapa		120000	0
		Chittoor	10.87	1,05,000	0
			38.00	2,60,000	4,000

It has been informed that the ayacut contemplated both in GNSS and HNSS projects is yet to be realized and the tail end areas are not even getting the water required for drinking. To meet the drinking, domestic, Industrial and Irrigation needs in the most backward and chronically drought prone areas, it is proposed to inter connect both this projects to complement each other.

3.0. Proposed Scheme

The two Projects (HNSS & GNSS) are under execution at different stages in various districts of Rayalaseema. However, Chittoor district is not able to get

its legitimate allocated share of water and thus could not develop ayacut. Further the Chittoor District is not having any potential perennial river to meet its needs which necessitated the present proposal to supplement the water.

It has been stated that the proposed ayacut in Chittoor District could not be achieved through GNSS Project due to urbanization of canal alignments, ayacut areas and Reserve Forest lands required for GNSS Main Canal, which necessitated to complete the present interlinking. The Proposed ayacut under HNSS in Chittoor Dist could not be achieved due to insufficient carrying capacities of HNSS Canal System and inadequate storage facilities.

It has been stated that the present proposal is interlinking of HNSS & GNSS Projects which are included in Para 10 under Article 11 of A.P State Reorganization Act, 2014 as ongoing projects proposed for utilizing the flood water of Krishna river as per the right bestowed on the state of Andhra Pradesh by KWDT-I.

The Government of Andhra Pradesh vide G.O. Rt. No. 444 WR (Projects III) Dept., dated 26.08.2020 has accorded administrative approval for Rs. 5036.00 Crores for the work "Investigation and Construction of Lift Schemes to lift water from GNSS to HNSS".

It is proposed to supply water to tail end reaches of HNSS in YSR Kadapa and Chittoor Districts by diverting 2000 cusecs of water from KM 56.00 of G.N.S.S. Main canal.

The proposed GNSS-HNSS Lift Scheme is envisaged to provide irrigation water to enroot tanks originating at Km 56.000 on GNSS Main Canal near Pamuluru village to culminating at Punganur Branch canal at Km 79.600 near Jagadamvaripalle of Mulkalacheruvu mandal besides filling of Kaletivagu Reservoir, Veligallu Reservoir, Srinivasapuram and Adavipalli Reservoir.

The main aim of the proposed GNSS-HNSS Lift Scheme is to provide irrigation water to contemplated ayacut to tail end of HNSS Project in Chittoor district and upland and remote areas in YSR Kadapa district.

The land acquisition required being taken up as per norms under Right to Fair compensation and Transparency in Land Acquisition Act 2013.

The detailed flow diagram of HNSS, GNSS and Lift Scheme of HNSS&GNSS projects is enclosed as Annexure-I. The colour codes are as follows:

Green	-	HNSS Project
Blue	-	GNSS Project
Red	-	Proposed Lift Scheme project

The said Lift Scheme is designed to serve for stabilization of ayacut of 2,91,000 acres in the mandals of Chakrayapet, Ramapuram, Lakkireddipalli, Rayachoty, Veeraballi, Sundupalli etc., in YSR Kadapa district and Thamballapalli, Peddamandyam, KV Palle, PTM, B.Kothakota, Mandanapalli etc., in Chittoor district.

As the water dependability is more in HNSS Project, the tail end reaches are unable to get water in HNSS Project and the scheme is proposed to serve contemplated ayacut under HNSS Project with less cost and more effective.

The GNSS-HNSS Lift Irrigation Scheme is proposed mainly with MS Pressure Mains (MS Pipes), which are placing at an average depth of 1.20 m (shallow depth) below ground level and then refilling the trench with excavated soils to its original profile, so that there would be no effect on environment.

The system Reservoirs namely Veligallu; Srinivasapuram and Adavipalli Reservoirs are the existing reservoirs and it is proposed to impound the said reservoirs with lifted GNSS waters.

The Kaletivagu Reservoir; Kallurupalli tank and Nayunicheruvu tanks are also the existing small tanks. By impounding the said tanks and Reservoirs with GNSS Lifted waters, there would be no impact on environment. Further, neither any one of the villages nor habitation is being effected in lieu of proposing GNSS-HNSS Lift Irrigation Scheme.

By utilizing 2000 Cusecs of GNSS waters from Km 56.000 of GNSS Main Canal by means of lift, it is made feasible to serve drought affected areas of YSR Kadapa and Chittoor district besides providing drinking water facilities and to tail end ayacut of HNSS Scheme.

4.0. Observations during Site Inspection

The undersigned has visited the following reservoirs on 26.12.2021:

1. Avulapalli Reservoir
2. Mudivedu Reservoir
3. Nethiguntapalli Reservoir
4. Pedderu



5. Narayanacheruvu Reservoir

As per the discussions held, the details of each reservoir are as follows:

4.1. Avulapalli Reservoir

The Avulapalli balancing reservoir is proposed across the stream of Seethamma Cheruvu Vanka Near Avulapalli (V) in Somala (M) of Chittoor Dist.

The source of water for Avulapalli balancing reservoir is by gravity from the existing HNSS Punganur branch canal at km 210.00 to draw 3.5 TMC of water.

Land Acquisition: total extent of land required is 1300 acres out of which private land is 607 acres and Government land is about 693 acres. There is no requirement of Forest land for the reservoir.

Resettlement and Rehabilitation: Bireddipalli and Devalakuppam, H/O of Devalakuppam (V) in Somala (M) in Chittoor Dist. will be affected due to formation of Avulapalli balancing reservoir.

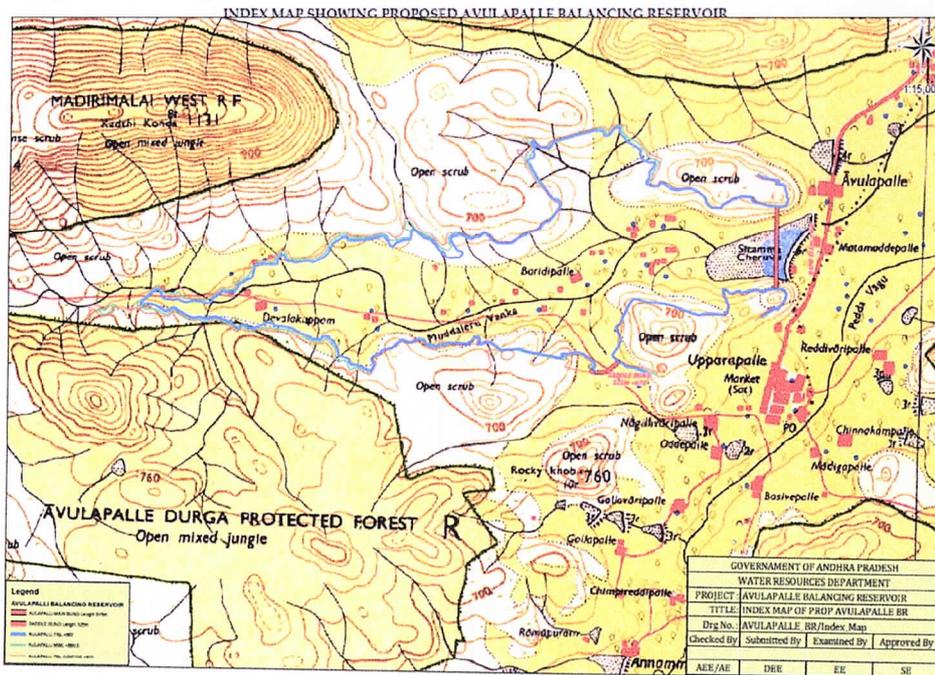
The satellite image of the reservoir is as follows:



Photographs taken during the visit of Avulapalli balancing reservoir is as follows:



Index map of Avulapalli balancing reservoir is as follows:



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4.2. Mudivedu Reservoir

The Mudivedu reservoir is proposed near Mudivedu (V) in Kurabalakota (M) of Chittoor District.

The source of water for Mudivedu balancing reservoir is by gravity from the existing HNSS Punganur branch canal (proposed to enhance the present water carrying capacity of 380 cusec to 1180 cusecs by widening) at Ch: 125.400 to 2.00 TMC of water.

Land Acquisition: total extent of land required is 1123 acres out of which private land is 867 acres and Government land is about 256 acres. There is no requirement of Forest land for the reservoir.

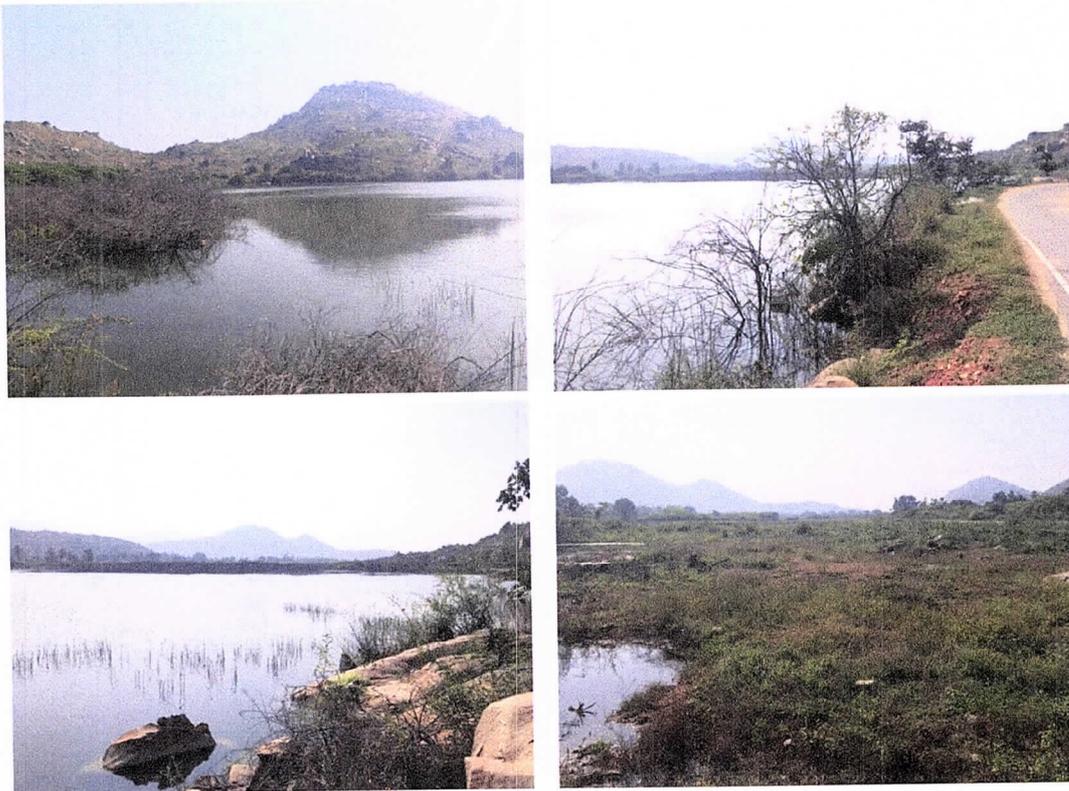
About 190 houses in Kothapalli, Diguvasethevaripalli, Dinnemedapalli, H/o of Pitchalavandlapalli of Kurabalakota (M) and Choutakuntapalli H/o Kotavuru (V) of B. Kothakakota (M) will be affected by the formation of Mudivedu balancing reservoir.

The satellite image of the reservoir is as follows:

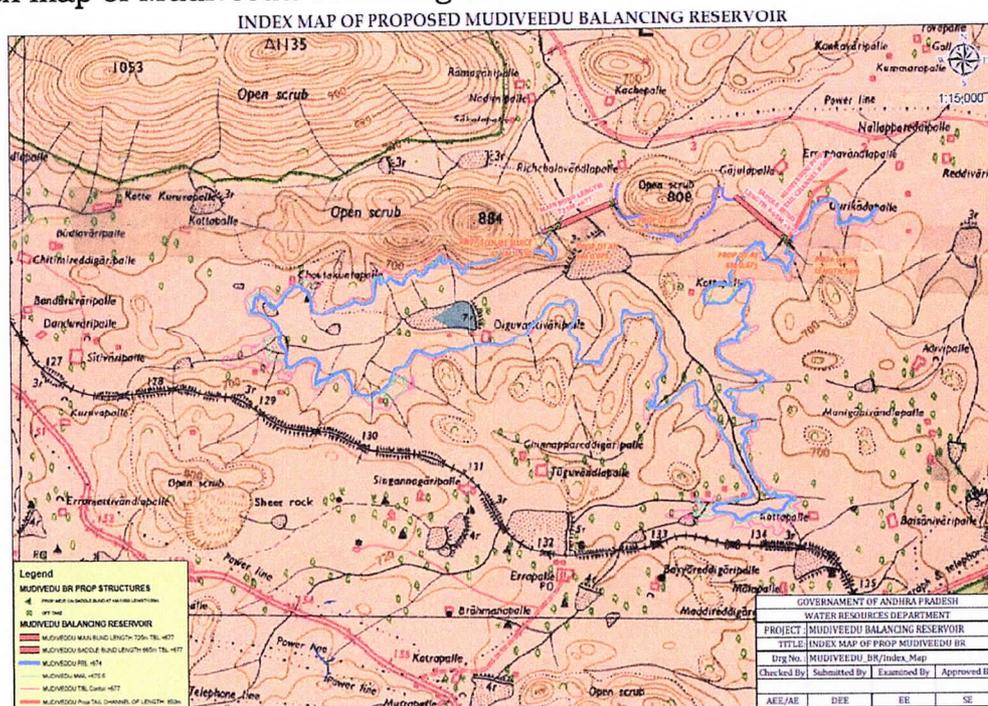


Seethi
C.

Photographs taken during the visit of Mudivedu balancing reservoir is as follows:



Index map of Mudivedu balancing reservoir is as follows:



4.3. Nethiguntapalli Reservoir

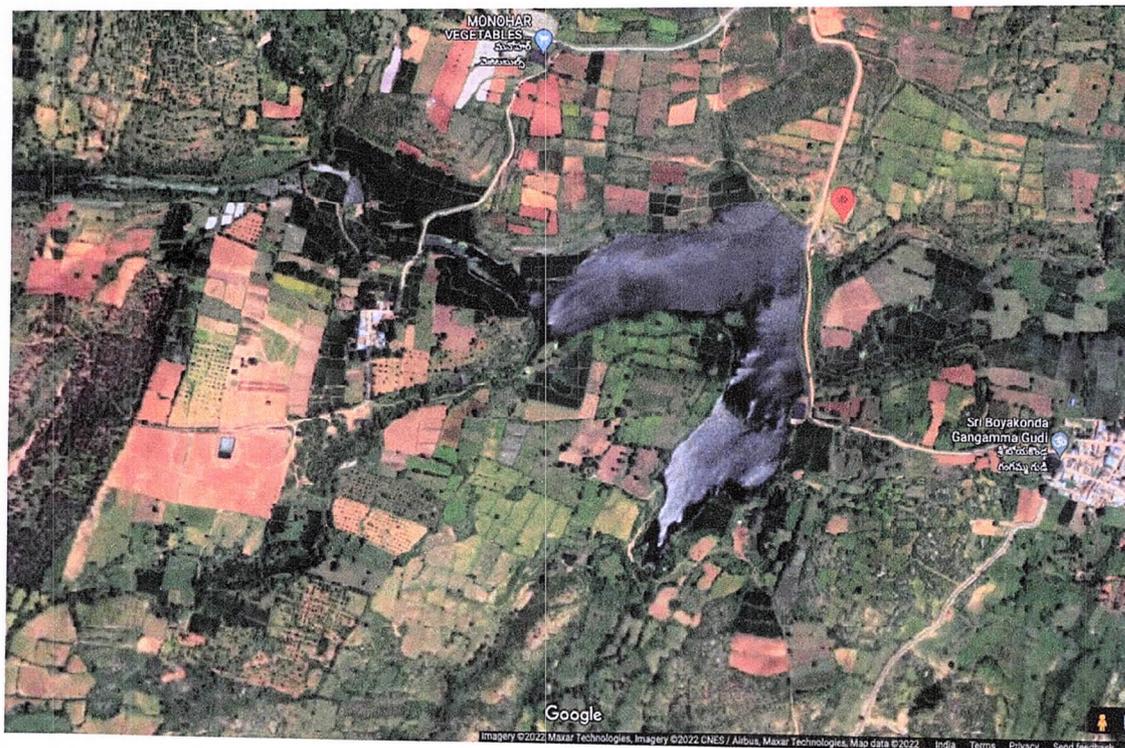
Nethiguntapalli balancing reservoir proposed across the stream of Yathamma Cheruvu vanka near Nethigulapalli (V) in Punganur (M) of Chittoor Dist.

The source of water for Nethiguntapalli balancing reservoir is by lift from the existing HNSS Punganur branch canal at Km 180.400 to draw 1.00 TMC of water.

Land Acquisition: total extent of land required is 867 acres out of which patta land is 181 acres and the remaining 686 acres are road, gutta, kaluva, kunta, pasalamethi bhoomi, grama kantamu. There is no requirement of Forest land for the reservoir.

About 30 houses of Yetigadda Kammavaripalli village of Mittachinthavaripalle Grama Panchayath in Punganur Mandal of Chittoor Dist. will be affected by the Nethiguntapalli balancing reservoir.

The satellite image of the reservoir is as follows:

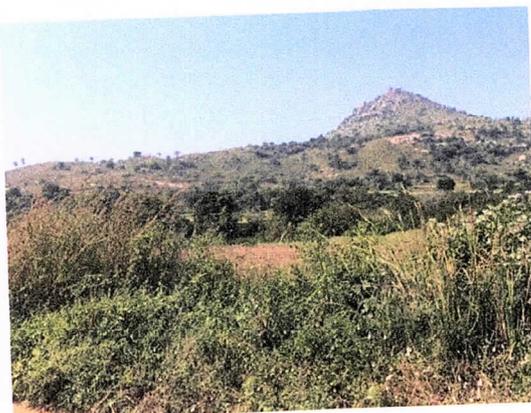
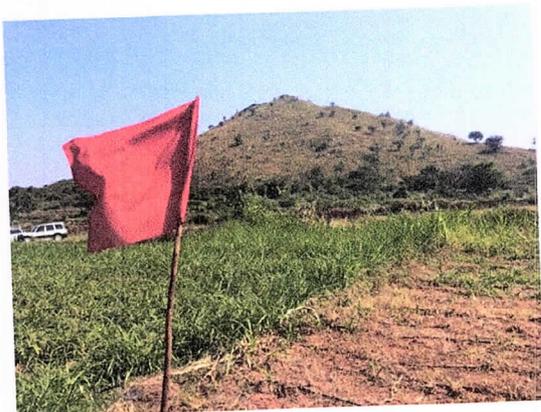


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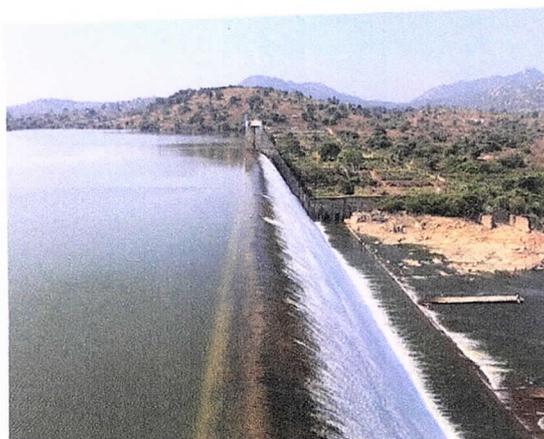
4.4. Pedderu and Narayanacheruvu Reservoirs

In addition to above three reservoirs, the undersigned also visited Pedderu and Narayanacheruvu reservoirs. The photographs taken during the visit are as follows:

Photographs taken during the visit of Pedderu is as follows:



Photographs taken during the visit of Narayanacheruvu Reservoirs is as follows:



5.0. Conclusions

As per the observations made during site inspection, discussions held and information provided by Project Proponent, the following conclusions were made:

The proposed scheme of Interlinking of HNSS & GNSS Projects by Lift scheme is under planning and DPR preparation stage.

The allegations made by applicant in O.A. No. 137 of 2021 (SZ) were the drilling activities for testing of soil strength which is a part for preparation of Detailed Project Report (DPR) of each reservoir.

As per the discussions held, it has been observed that the activities taken up at Avulapalli balancing reservoir are for preparation of DPR and during the day of inspection, no sign of any construction activities were observed.

No constructional activities/project implementation activities are being taken up by the project proponent.

(डॉ। सुरेश बाबु पसुपुलेटी)

(Dr. Suresh Babu Pasupuleti)

संयुक्त निदेशक (एस) / वैज्ञानिक 'डी'

Joint Director (S) / Scientist 'D'

FLOW DIAGRAM SHOWING THE H.N.S.S & G.N.S.S PROJECTS

KARNATAKA

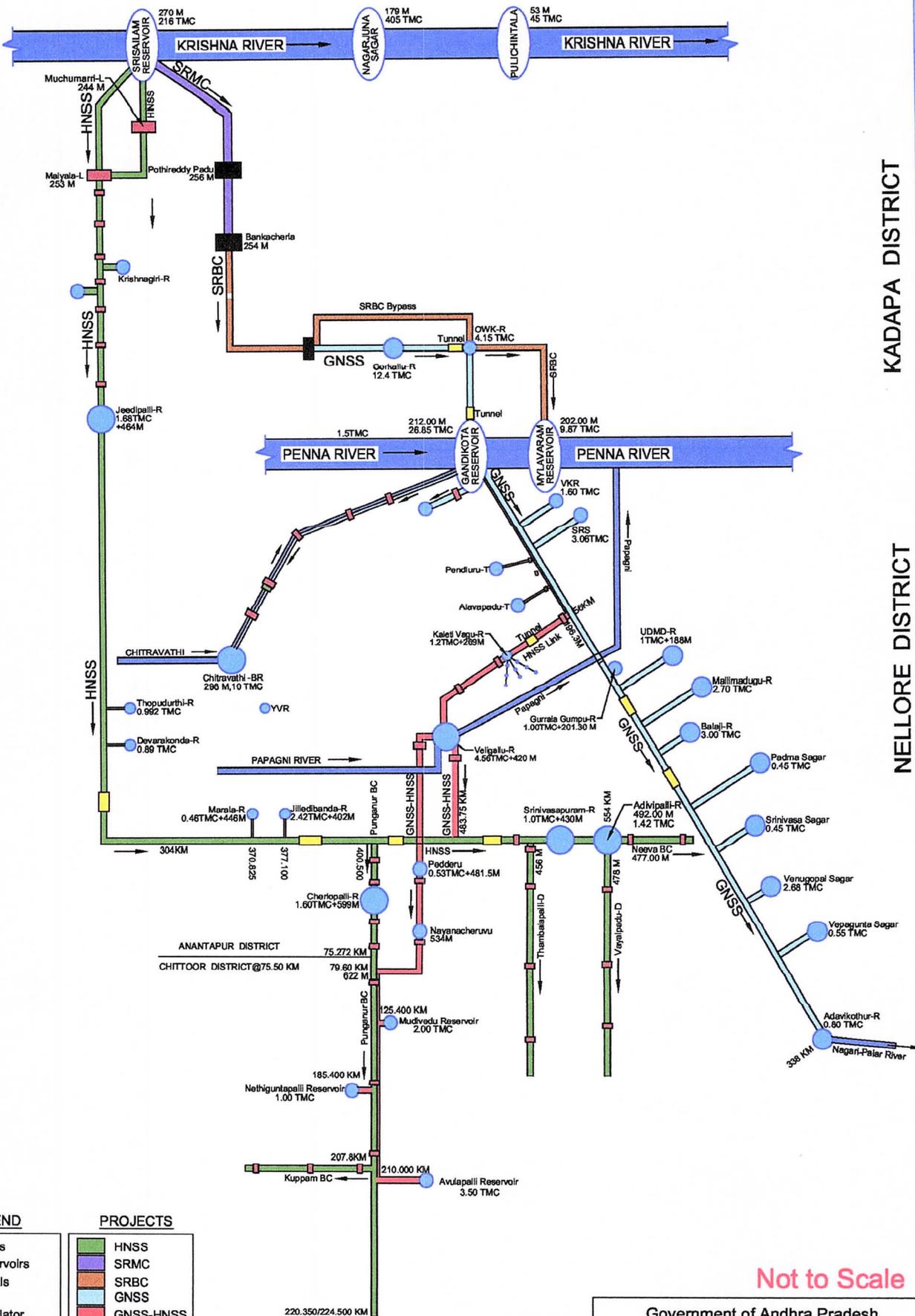
ANANTAPUR DISTRICT

KADAPA DISTRICT

BAY OF BENGAL

NELLORE DISTRICT

CHITTOOR DISTRICT



Not to Scale

Government of Andhra Pradesh
Water Resources Department
CHIEF ENGINEER, NTR-TGP, TIRUPATI

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भारत का राजपत्र

The Gazette of India

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असाधारण

EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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NEW DELHI, THURSDAY, JULY 28, 2022/SHRAVANA 6, 1944

जल शक्ति मंत्रालय

(जल संसाधन, नदी विकास और गंगा संरक्षण विभाग)

अधिसूचना

नई दिल्ली, 27 जुलाई, 2022

का.आ. 3511(अ).—केन्द्रीय सरकार, आंध्र प्रदेश पुनर्गठन अधिनियम, 2014 (2014 का 6) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 85 की उपधारा (1) द्वारा प्रदत्त शक्तियों के अनुसरण में 28 मई, 2014 को कृष्णा नदी प्रबंधन बोर्ड (जिसे इसके पश्चात् केआरएमबी कहा गया है) का गठन किया और केन्द्रीय सरकार द्वारा यथा अधिसूचित परियोजनाओं के प्रशासन, विनियमन, रखरखाव और प्रचालन के लिए इसमें उल्लिखित कार्यों का निष्पादन करने हेतु यह 2 जून, 2014 से प्रभावी हो गया;

और उक्त अधिनियम की धारा 87 की उपधारा (i) उपबंध करती है कि बोर्ड साधारणतया संबंधित राज्यों को जल या विद्युत प्रदाय करने के लिए आवश्यक जल शीर्ष तंत्र (बैराज, बांध, जलाशय, विनियामक संरचना) नहर नेटवर्क के भाग तथा पारेषण लाइनों पर कृष्णा नदी पर उन परियोजनाओं में से किसी के संबंध में ऐसी अधिकारिता का प्रयोग करेगा जैसी केन्द्रीय सरकार द्वारा अंतरराज्यिक जल विवाद अधिनियम, 1956 (1956 का 33) के अधीन गठित प्राधिकरणों द्वारा किए गए निर्णयों, यदि कोई हों, के अनुसार अधिसूचित की जाए;

और, 6 अक्टूबर, 2020 को आयोजित शीर्ष परिषद् की दूसरी बैठक में गोदावरी नदी प्रबंधन बोर्ड तथा कृष्णा नदी प्रबंधन बोर्ड दोनों की अधिकारिता अधिसूचित करने का निर्णय लिया गया और तदनुसार उक्त अधिनियम की धारा 87 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने तारीख 15 जुलाई, 2021 की अधिसूचना संख्या का. आ 2842 (अ) (जिसे इसमें इसके पश्चात् केआरएमबी क्षेत्राधिकार अधिसूचना कहा गया है) के माध्यम से कृष्णा नदी के क्षेत्राधिकार के प्रयोग करने के लिए केआरएमबी का क्षेत्राधिकार अधिसूचित किया।

और जबकि, उक्त केआरएमबी क्षेत्राधिकार अधिसूचना के पैरा 2 का खण्ड (च) यह उपबंध करता है कि अननुमोदित परियोजनाओं के चल रहे कार्यों को, पूर्ण और आंशिक रूप में, यदि कोई हो, तब तक रोक दिया जाएगा जब तक कि उक्त केआरएमबी क्षेत्राधिकार अधिसूचना के प्रकाशन के एक वर्ष बाद की अवधि के भीतर उक्त अधिनियम के प्रावधानों के अनुसार अनुमोदन नहीं प्राप्त होते हैं;

और जबकि, उक्त केआरएमबी क्षेत्राधिकार अधिसूचना के पैरा 2 का खण्ड (छ) यह भी उपबंध करता है कि इसके प्रकाशन की तारीख से एक एक वर्ष के भीतर, दोनों राज्य सरकारें अननुमोदित परियोजनाओं को उक्त अधिनियम के प्रावधानों के अनुसार और शीर्ष परिषद की दूसरी बैठक में लिए गए निर्णयों के अनुसार मूल्यांकित और अनुमोदित परियोजनाओं को पूरा करेगी; और यदि उक्त एक वर्ष की निर्धारित समय-सीमा के भीतर उक्त अनुमोदन प्राप्त नहीं होते हैं तो ऐसी पूर्ण हो चुकी अननुमोदित परियोजनाओं को रोक दिया जाएगा;

और जबकि आंध्र प्रदेश पुनर्गठन अधिनियम 2014 (2014 का 6) की ग्यारहवीं अनुसूची के पैरा 10 के अनुपालन में, जो इस प्रकार पठित है "निम्न सिंचाई परियोजनाएं, जो निर्माणाधीन हैं, को मौजूदा आंध्र प्रदेश राज्य द्वारा अधिसूचित की गई योजना के अनुसार पूरा किया जाएगा और पानी के बंटवारे की व्यवस्था निम्न प्रकार होगी:-

- (i) हांदरी निवा
- (ii) तेलुगु गंगा
- (iii) गलेरू नागिरी
- (iv) वेनेगोंडू
- (v) कालवाकुर्थी
- (vi) नेत्तेमपाडु "

और जबकि, आंध्र प्रदेश सरकार ने सूचित किया है कि उक्त केआरएमबी क्षेत्राधिकार अधिसूचना के पैरा 2 के खण्ड (च) और (छ) के उपबंध आंध्र प्रदेश पुनर्गठन अधिनियम 2014 (2014 का 6) की 11वीं अनुसूची के पैरा 10 के उपबंधों के अनुरूप नहीं है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 87 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त केआरएमबी क्षेत्राधिकार अधिसूचना निम्न संसोधन करती है अर्थात:-

उक्त केआरएमबी क्षेत्राधिकार अधिसूचना के पैरा 2 में खण्ड (छ) के पश्चात् निम्न परंतुक अंतःस्थापित किया जाएगा, अर्थात्:-

"परंतु यह भी शर्त है कि निम्न सारणी में विनिर्दिष्ट निम्न परियोजनाओं अथवा घटकों पर खण्ड (च) और (छ) के उपबंध लागू नहीं होंगे, अर्थात्:-

परियोजना/घटक का नाम	अनुसूची-1 में क्रम संख्या	अनुसूची-2 में क्रम संख्या
हांदरी निवा लिफ्ट इरीगेशन स्कीम: पंप हाउस और सहायक कार्य	1.13	1.13
तेलुगु गंगा परियोजना: टीजीसी हेड वर्कस	1.9	1.9
जीएनएसएस (गालेरू नागिरी) हेड वर्कस और सहायक संरचनाएं	1.19	1.19
वेलीगोंडा प्रोजेक्ट; हेड रेगुलेटर, टनल, सहायक कार्य और नालामाला सागर	1.10	1.10
कालवाकुर्थी लिफ्ट इरीगेशन स्कीम: पंप हाउस और सहायक कार्य; और कालवाकुर्थी लिफ्ट इरीगेशन स्कीम –	1.14 और 1.15	1.14 और 1.15

अतिरिक्त 15 टीएमसी: पंप हाउस और सहायक कार्य		
नेत्तेमपाडु एलआईएस: पंप हाउस और सहायक कार्य	14.2	15.2 "

[फा. सं. आर -22012/1/2021- पेन रिव सेक्शन - एम ओ डब्ल्यू आर -पार्ट (3)]

आनंद मोहन, संयुक्त सचिव

टिप्पण:- मूल अधिसूचना की अधिसूचना संख्या का.आ. 2842 (अ) के माध्यम से भारत का राजपत्र, असाधारण, भाग-II, खण्ड 3, उपखण्ड (ii), तारीख 15 जुलाई, 2021 में प्रकाशित की गई थी और अधिसूचना संख्या का. आ. 1563 (अ), तारीख 1 अप्रैल, 2022 के माध्यम से संशोधित की गई।

MINISTRY OF JAL SHAKTI

(Department of Water Resources, River Development and Ganga Rejuvenation)

NOTIFICATION

New Delhi, the 27th July, 2022

S.O. 3511(E).—Whereas, in pursuance of the powers conferred under sub-section (1) of section 85 of the Andhra Pradesh Reorganisation Act, 2014 (6 of 2014) (hereafter referred to as the said Act), the Central Government on 28th May, 2014 constituted the Krishna River Management Board (hereafter referred to as the KRMB) and the same became effective on 2nd June, 2014 to perform the functions mentioned therein for the administration, regulation, maintenance and operation of projects as may be notified by the Central Government;

And whereas, sub-section (1) of section 87 of the said Act provides that the Board shall ordinarily exercise jurisdiction on Krishna river in regard to any of the projects over head works (barrages, dams, reservoirs, regulating structures), part of canal network and transmission lines necessary to deliver water or power to the States concerned, as may be notified by the Central Government, having regard to the awards, if any, made by the Tribunals constituted under the Inter-State River Water Disputes Act, 1956 (33 of 1956);

And whereas, in the 2nd meeting of the Apex Council, held on 6th October, 2020, it has been decided to notify the jurisdiction of both Godavari River Management Board and Krishna River Management Board and accordingly, in exercise of the powers conferred by sub-section (1) of section 87 of the said Act, the Central Government notified the jurisdiction of the KRMB to exercise the jurisdiction on Krishna river vide notification number S.O. 2842 (E), dated the 15th July, 2021 (hereafter referred to as the KRMB jurisdiction notification);

And whereas, clause (f) of paragraph 2 of the said KRMB jurisdiction notification provides that the ongoing works on unapproved projects, full or partial, if any, shall cease to operate if approvals as per the provisions of the said Act are not obtained within a period of one year after the publication of the said KRMB jurisdiction notification;

And whereas, clause (g) of paragraph 2 of the said KRMB jurisdiction notification also provides that within one year from the date of its publication, both State Governments shall complete the unapproved projects appraised and approved as per the provisions of the said Act and in accordance with the decisions taken in the 2nd meeting of the Apex Council; and if the said approvals are not obtained within the stipulated time of one year, such completed unapproved projects shall cease to operate;

And whereas, in pursuance of paragraph 10 of the Eleventh Schedule to the Andhra Pradesh Reorganisation Act, 2014(6 of 2014), which reads as “the following irrigation projects which are under construction shall be completed as per the plan notified by the existing State of Andhra Pradesh and the water sharing arrangement shall continue as such:—

- (i) Handri Niva
- (ii) Telugu Ganga
- (iii) Galeru Nagiri
- (iv) Venegondu
- (v) Kalvakurthi
- (vi) Nettempadu ”

And whereas, the Government of Andhra Pradesh has informed that the provisions of clauses (f) and (g) of paragraph 2 of the said KRMB jurisdiction notification are not in consonance with the provisions of paragraph 10 of the Eleventh Schedule to the Andhra Pradesh Reorganisation Act, 2014(6 of 2014);

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 87 of the said Act, the Central Government hereby makes the following amendments in the said KRMB jurisdiction notification, namely:—

In the said KRMB jurisdiction notification, in paragraph 2, after clause (g), the following proviso shall be inserted, namely:—

“Provided that the provisions of clauses (f) and (g) shall not apply to the following projects or components specified in the Table below, namely:—

Name of project/ component	Serial number in Schedule - 1	Serial number in Schedule - 2
Handri Niva Lift Irrigation Scheme: Pump house and Appurtenant works	1.13	1.13
Telugu Ganga Project: TGC Head Works	1.9	1.9
GNSS (Galeru Nagiri) : Head Works and Appurtenant Structures	1.19	1.19
Veligonda Project; Head regulator, Tunnel, Appurtenant works and Nallamala Sagar	1.10	1.10
Kalwakurthy Lift Irrigation Scheme: Pump house and Appurtenant works; and Kalwakurthy Lift Irrigation Scheme – Additional 15 TMC: Pump house and Appurtenant works	1.14 and 1.15	1.14 and 1.15
Nettempadu LIS: Pump House and appurtenant works	14.2	15.2”

[F. No. R-22012/1/2021-Pen Riv Section-MOWR-Part (3)]

ANAND MOHAN, Jt. Secy.

Note:— The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide notification number S.O. 2842 (E), dated the 15th July, 2021 and amended vide notification number S.O. 1563 (E), dated the 1st April, 2022.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1721]

नई दिल्ली, बुधवार, मई 12, 2021/वैशाख 22, 1943

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NEW DELHI, WEDNESDAY, MAY 12, 2021/VAISAKHA 22, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 12 मई, 2021

का.आ. 1848(अ).—केंद्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के पूर्ववर्ती पर्यावरण और वन मंत्रालय की दिनांक 14 सितम्बर, 2006 की अधिसूचना संख्या का. आ. 1533 (अ) के अनुसरण में, (इसके पश्चात इसे उक्त अधिसूचना के रूप में कहा जाएगा) और भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की दिनांक 20 दिसम्बर, 2017 की अधिसूचना संख्या का. आ. 4001 (अ) को उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है, राज्य स्तरीय पर्यावरण प्रभाव आकलन प्राधिकरण (एसईआईएए), आंध्र प्रदेश (इसके पश्चात इस अधिसूचना में इसे उक्त प्राधिकरण, आंध्र प्रदेश कहा गया है) का निम्नलिखित सदस्यों को सम्मिलित करते हुए गठन करती है, अर्थात् :—

1.	श्री पी. वेंकटा रामी रेड्डी, आईएएस (सेवानिवृत्त)	अध्यक्ष;
2.	डॉ. थातीपारथी बैरागी रेड्डी, प्राध्यापक, पर्यावरण विज्ञान विभाग, आंध्र विश्वविद्यालय, विशाखापत्तनम	सदस्य;
3.	सरकार के विशेष सचिव, ईएफएसएंडटी विभाग, आंध्र प्रदेश सचिवालय, वेलगपुडी	सदस्य सचिव

2. प्राधिकरण, आंध्र प्रदेश के अध्यक्ष और सदस्य राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की समयावधि के लिए कार्यभार संभालेंगे।
3. प्राधिकरण, आंध्र प्रदेश उक्त अधिसूचना में यथा विनिर्दिष्ट शक्तियों का प्रयोग और प्रक्रियाओं का पालन करेगा।
4. प्राधिकरण, आंध्र प्रदेश, आंध्र प्रदेश राज्य के लिए पैरा 5 के अधीन गठित राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति (एस ई ए सी) की सिफारिशों पर अपना निर्णय लेगा।
5. प्राधिकरण, आंध्र प्रदेश, की सहायता के प्रयोजन के लिए केंद्रीय सरकार, आंध्र प्रदेश की राज्य सरकार के परामर्श से राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति (एसईएसी) (इसके पश्चात एसईएसी, आंध्र प्रदेश कहा जाएगा) का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात :

1.	डॉ. जी.वी.आर. श्रीनिवास राव, प्राध्यापक सिविल इंजीनियरिंग विभाग, आंध्र विश्वविद्यालय, विशाखापत्तनम	अध्यक्ष ;
2.	डॉ. दिनेश शंकर रेड्डी रजिस्ट्रार (आई/सी), प्राध्यापक रसायन इंजीनियरिंग, एनआईटी, ताडेपल्लीगुडम, पश्चिम गोदावरी	सदस्य ;
3.	प्रो. जी.ज्ञान मणि, (सेवानिवृत्त) प्राध्यापक प्राणी विज्ञान, आंध्र विश्वविद्यालय, विशाखापत्तनम	सदस्य ;
4.	प्रो. यू. शमीम अध्यक्ष, प्राणी विज्ञान का बीओएस विभाग, आंध्र विश्वविद्यालय, विशाखापत्तनम	सदस्य ;
5.	डॉ. किरणमय, सहायक प्राध्यापक, जैव प्रौद्योगिकी विभाग, विक्रम सिंहपुरी विश्वविद्यालय, नेल्लोर जिला	सदस्य ;
6.	प्रो. सी. ससीधर प्राध्यापक सिविल इंजीनियरिंग, जेएनटीयू, अनंतपुर	सदस्य ;
7.	प्रो. एन. शिव प्रसाद रेड्डी, निदेशक (शिक्षाविद), बृंदावन प्रौद्योगिकी और विज्ञान संस्थान, कुरनूल	सदस्य ;
8.	प्रो. डी.भारती, प्राध्यापक जैव विज्ञान और सेरीकल्चर विभाग श्री पद्मावती महिला विश्वविद्यालय, तिरुपति	सदस्य ;
9.	श्री कटामनेनी वेंकट रमण, अध्यक्ष, खनन विभाग, सरकारी पॉलिटेक्निक, नरसीपट्टनम	सदस्य ;
10.	डॉ. एम. सुनंदना रेड्डी, सहायक प्राध्यापक, आरजीएम अभियांत्रिकी और प्रौद्योगिकी कॉलेज (स्वायतशासी), नंद्याल	सदस्य ;
11.	श्री मतली चन्द्रशेखर प्राध्यापक, अध्यक्ष सिविल इंजीनियरिंग विभाग एनआईटी, वारंगल	सदस्य ;
12.	डॉ. जी माधवी, सहायक प्राध्यापक	सदस्य ;

	रसायन विज्ञान विभाग, श्री वेंकटेश्वर विश्वविद्यालय, तिरुपति	
13.	प्रो. के. त्याग राजू, प्राध्यापक, जैव रसायन विभाग एस.वी. विश्वविद्यालय, तिरुपति	सदस्य ;
14.	डॉ. गुम्मल्ला प्रशांति प्राध्यापक, विजया औषधीय विज्ञान संस्थान, विजयवाड़ा	सदस्य ;
15.	मुख्य पर्यावरण अभियंत्रक, आंध्र प्रदेश प्रदूषण नियंत्रण बोर्ड	सदस्य सचिव

6. एस ई ए सी, आंध्र प्रदेश के अध्यक्ष और सदस्य राजपत्र में इस अधिसूचना की प्रकाशन की तारीख से तीन वर्ष की समयावधि के लिए कार्यभार संभालेंगे।
7. एस ई ए सी, आंध्र प्रदेश उक्त अधिसूचना में यथा विनिर्दिष्ट शक्तियों का प्रयोग और प्रक्रियाओं का पालन करेगा।
8. एसईएसी, आंध्र प्रदेश सामूहिक उत्तरदायित्व के सिद्धांत पर कार्य करेगी और अध्यक्ष प्रत्येक मामले में सहमति प्राप्त करने का प्रयास करेंगे और यदि सहमति प्राप्त नहीं हो सकती, बहुमत का विचार अभिभावी होगा।
9. हितों के किसी विवाद से बचने के लिए :
- (क) प्राधिकरण, आंध्र प्रदेश और एस ई ए सी, आंध्र प्रदेश के अध्यक्ष और सदस्य यह घोषित करेंगे कि वे किस परामर्शी संगठन और किस परियोजना प्रस्तावक के साथ जुड़े हुए हैं।
- (ख) प्राधिकरण, आंध्र प्रदेश और एस ई ए सी, आंध्र प्रदेश अपने कार्य अवधि के दौरान प्राधिकरण, आंध्र प्रदेश और एस ई ए सी, आंध्र प्रदेश द्वारा मूल्यांकन किए जाने वाली किसी परियोजना के लिए पर्यावरण प्रभाव मूल्यांकन (ईआईए), पर्यावरण प्रबंधन योजना तैयार करने में न तो कोई परामर्श देंगे, न ही उससे जुड़ेंगे; और
- (ग) यदि गत पाँच वर्षों में प्राधिकरण, आंध्र प्रदेश और एस ई ए सी, आंध्र प्रदेश के अध्यक्ष या कोई सदस्य किसी परियोजना प्रस्तावक के लिए कोई परामर्शी सेवा प्रदान करते हैं या ईआईए अध्ययनों का संचालन करते हैं, ऐसी स्थिति में वे ऐसे प्रस्तावकों द्वारा प्रस्तावित की जाने वाली किसी परियोजना के मूल्यांकन की प्रक्रिया में प्राधिकरण, आंध्र प्रदेश और एसईएसी, आंध्र प्रदेश की बैठकों में स्वयं सम्मिलित होने से बचेंगे।
10. प्राधिकरण, आंध्र प्रदेश और एस ई ए सी, आंध्र प्रदेश के लिए सचिवालय के रूप में कार्य करने के लिए आंध्र प्रदेश सरकार एक अभिकरण को अधिसूचित करेगी और जो इस सचिवालय के सभी सांविधिक कार्यों के संबंध में सभी वित्तीय और संभार तंत्र सहायता प्रदान करेगा जिसमें आवास, परिवहन और ऐसी अन्य सुविधाएं सम्मिलित हैं।
11. प्राधिकरण, आंध्र प्रदेश और एस ई ए सी, आंध्र प्रदेश के अध्यक्ष और सदस्यों को बैठक शुल्क, यात्रा भत्ता और महंगाई भत्ता आंध्र प्रदेश राज्य सरकार के नियमों के अनुसार दिया जाएगा।

[फा. सं. जे-11013/36/2007.आईए-III(I)]

जिगमेट टक्पा, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 12th May, 2021

S.O. 1848(E).—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O.1533(E), dated the 14th September, 2006 (hereinafter referred to as the said notification), and in supersession of the notification of the Government of India in the Ministry of Environment, Forest and Climate Change, number S.O. 4001(E), dated the 20th December, 2017, except as respects things done or omitted to be done before such supersession, the Central Government hereby constitutes the State Level Environment Impact Assessment Authority, Andhra Pradesh (hereinafter referred to as the Authority, Andhra Pradesh) comprising of the following Members, namely: -

1.	Sri P. Venkata Rami Reddy, IAS (Retd.)	Chairman;
2.	Dr. Thatiparthi Byragi Reddy Professor. Department of Environmental Sciences, Andhra University, Visakhapatnam	Member;
3.	Special Secretary to Government, EFS&T Department, A.P. Secretariat, Velagapudi.	Member Secretary.

2. The Chairman and Members of the Authority, Andhra Pradesh shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

3. The Authority, Andhra Pradesh shall exercise such powers and follow such procedures as specified in the said notification.

4. The Authority, Andhra Pradesh shall take its decision on the recommendations of the State Level Expert Appraisal Committee (SEAC) constituted under paragraph 5 for the State of Andhra Pradesh.

5. For the purpose of assisting the Authority, Andhra Pradesh, the Central Government in consultation with the State Government of Andhra Pradesh, hereby constitutes the State Level Expert Appraisal Committee (SEAC) (hereinafter referred to as SEAC, Andhra Pradesh) comprising of the following Members, namely: -

1.	Dr. G. V. R. Srinivasa Rao, Professor, Civil Engineering Department, Andhra University, Visakhapatnam	Chairman;
2.	Dr. Dinesh Sankar Reddy Registrar (I/C), Professor of Chemical Engineering, NIT, Tadepalligudem, West Godavari	Member;
3.	Prof. G. Gnana Mani, Retd., Professor of Zoology, Andhra University, Visakhapatnam	Member;
4.	Prof. U. Shameem. Chairman, BoS Dept. of Zoology, Andhra University, Visakhapatnam	Member;
5.	Dr. Kiranmai, Assistant Professor, Dept. of Bio Technology, Vikrama Simhapuri University, Nellore District	Member;
6.	Prof. C. Sasidhar	Member;

	Professor of Civil Engineering, JNTU, Anantapur	
7	Prof. N. Siva Prasad Reddy, Director (Academics), Brindavan Institute of Technology & Science, Kurnool	Member;
.8.	Prof. D. Bharathi, Professor Dept. of Bio Sciences & Sericulture, Sri Padmavathi Mahila Viswa Vidhyalayam, Tirupathi	Member;
9.	Sri Katamneni Venkata Ramana, Head of Mining Dept. Government Polytechnic, Narsipatnam	Member;
10.	Dr. M. Sunandana Reddy, Associate Professor, RGM College of Engineering & Technology (Autonomous), Nandyal.	Member;
11.	Sri Matli Chandra Sekhar Professor, Head of Department of Civil Engineering, NIT, Warangal	Member;
12.	Dr. G. Madhavi, Associate Professor Department of Chemistry, Sri Venkateswara University, Tirupathi	Member;
13.	Prof. K. Thyaga Raju, Professor of Bio-Chemistry, S. V. University, Tirupathi	Member;
14.	Dr. Gummalla Prasanthi Professor, Vijaya Institute of Pharmaceutical Sciences, Vijayawada.	Member;
15.	Chief Environmental Engineer, Andhra Pradesh Pollution Control Board.	Member Secretary.

6. The Chairman and Members of SEAC, Andhra Pradesh shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

7. The SEAC, Andhra Pradesh shall exercise such powers and follow such procedures as specified in the said notification.

8. The SEAC, Andhra Pradesh shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

9. In order to avoid any conflict of interest -

- (a) the Chairman and Members of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh shall declare as to which consulting organisation they have been associated with and also the project proponents;
- (b) the Chairman and Members of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh shall not undertake any consultation or associate with preparation of Environmental Impact Assessment (EIA) Environment Management Plan for a project, which is to be appraised by the Authority, Andhra Pradesh and SEAC, Andhra Pradesh during their tenure; and
- (c) if in the past five years, the Chairman or any of the Members of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh have provided consultancy services or conducted EIA studies for any project proponent, in that event they shall recuse themselves from the meeting of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh in the process of appraisal of any project being proposed by such proponents.

10. The Government of Andhra Pradesh shall notify an agency to act as Secretariat for the Authority, Andhra Pradesh and SEAC, Andhra Pradesh and the Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all their statutory functions.

11. The sitting fee, travelling allowances and dearness allowances to the Chairman and Members of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh shall be paid as per the rules of the State Government of Andhra Pradesh.

[F. No. J-11013/36/2007-IA.II(I)]

JIGMET TAKPA, Jt. Secy.