

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE BENCH, CHENNAI

APPEAL NO. 56 of 2022

IN THE MATTER OF: -

GUTHA GUNASEKHAR & ORS

...APPELLANTS

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

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Place: Chennai
Dated: 16.01.2024

Filed by
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**INTERIM COMPLIANCE AFFIDAVIT ON BEHALF OF
RESPONDENT NO. 1, MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE**



MOST RESPECTFULLY SHOWETH:

I, Dr. Suresh Babu Pasupuleti, S/o Bhaskara Rao, aged about 37 years working as Scientist 'D' in the Ministry of Environment, Forest and Climate Change, having a Sub Office located at Green House Complex, Gopala Reddy Road, Vijayawada – 520010, Andhra Pradesh, do hereby solemnly affirm on oath and state as under:

1. It is submitted that I am working as Scientist 'D' in the office of the Ministry of Environment, Forest and Climate Change, having a Sub

Office located at Green House Complex, Gopala Reddy Road, Vijayawada – 520010, Andhra Pradesh, and as such am well acquainted with the facts and circumstances of the case on the basis of the records available in my office and am thus duly authorized to file this Affidavit on behalf of the Respondent No. 1 herein, i.e. the Ministry of Environment, Forest & Climate Change (hereinafter referred as ‘MoEF&CC’). Specifically admitted hereunder:

2. It is submitted that the present Appeal has been filed challenging the Environment Clearance (hereinafter referred to as ‘EC’) vide no. EC22B003AP123956, File No. AP RIV CTR 7 2022 4517, dated 08.09.2022 issued by the State Environment Impact Assessment Authority (hereinafter referred to as ‘SEIAA’), Andhra Pradesh for construction of Avulapalli Balancing Reservoir with a capacity of 2.5 TMC, near Avulapalli Village, Somala Mandal, Chittoor District by Water Resource Department under State of Andhra Pradesh on account of non- application of mind and misrepresentation of the facts by the Project Proponent for obtaining the EC.
3. That the main thrust of the appeal is that the project proponent did not follow the procedure laid down under EIA Notification, 2006 as Project Proponent had reduced the size of the Project to fit into the jurisdiction of SEIAA of Andhra Pradesh and to avoid the scrutiny of the MoEF&CC.

4. That, the Hon'ble Tribunal allowed the appeal and the EC granted by the 2nd Respondent dated 08.09.2022 was set aside vide final order dated 11.05.2023 whereby they had passed the following directions:

- i. *It is recommended that the Secretary to GOI, Ministry of Jal Shakti to constitute a committee of Engineers from Central Water Commission and Krishna River Management Board to study the scheme sanctioned by Government of Andhra Pradesh vide G.O.Rt No.461 dated 02-09-2020 has been modified and if yes, assess whether the source of water involves drawl of water from Krishna river and submit a report to MOEF&CC for deciding the category of the project as "A" or "B1" for consideration of the grant of EC.*
- ii. *It is recommended that the Secretary – MoEF&CC order an enquiry (i) to ascertain the officers of the SEIAA – AP responsible for attempting to create the evidence to show that the prior EC proposal was for Phase – I of the project, (ii) to ascertain the officers representing the project proponent, responsible for filing the fabricated documents before this Tribunal through the SEIAA – AP, and (iii) to ascertain whether there is any collusion by officers of the SEIAA – AP and officers representing the project proponent to falsify the reports.*



- iii. *The MoEF&CC may examine the possibility of bringing the SEIAAs under the direct administrative control of MoEF&CC even if the officers are drawn from the pool of State Government/All India Service officials of the concerned State.*

I. DIRECTION OF THE HON'BLE TRIBUNAL REGARDING DECISION ON THE CATEGORY OF THE PROJECT AS "A" OR "B1" FOR CONSIDERATION OF THE GRANT OF EC:

5. That in compliance of the aforesaid directions, vide letter dated 19.09.2023, SEIAA Andhra Pradesh was requested to provide the project details along with the requisite documents that were taken into consideration for grant of EC. The SEIAA Andhra Pradesh, vide email communication dated 21.09.2022, provided both the offline documents as well as the documents available online.

Meanwhile, in order to assess whether the source of water involves drawl of water from Krishna river, a Committee was constituted by the Ministry of Jal Shakti (MoJS) which prepared a report in this regard and vide letter dated 27.09.2023, the finalised report on 'Assessment of Source of Water' in compliance of the final order dated 11.05.2023 was submitted to the MoEF&CC for deciding the category of the project as "A" or "B1" for consideration of the grant of EC. It is pertinent to mention here that the

committee concluded in its report that the source of water for Avulapalli Balancing Reservoir does not involve drawl from Krishna River.

The copy of the letter dated 19.09.2023 communicated to the SEIAA Andhra Pradesh is annexed as **Annexure R-1**.

6. That, in order to ensure compliance of the Hon'ble NGT directions, the MoEF&CC decided to examine the aforesaid documents received from SEIAA Andhra Pradesh as well as the Report received from the Ministry of Jal Shakti in consultation with the Expert Appraisal Committee (EAC) for River Valley & Hydro-electric projects (hereinafter referred to as 'EAC') in light of the allegations made in the instant matter followed by the directions of this Hon'ble Tribunal. In this regard, the EAC meeting was held on 17th – 18th October, 2023 wherein after examination of the documents and detailed deliberations, the EAC was of the view that:

“10.0 The EAC examined the project documents/correspondence submitted by the project proponent to the SEIAA at the time of consideration of the said project as well as the documents received from SEIAA. The EAC after detailed deliberations was of the view that in view of the recommendation of the report received from the MoJS it can be inferred that there is no inter-state issue is involved. Based on information given in Form-1, the 'General Condition' of the EIA Notification, 2006, as amended is also not applicable to the project, so

the project may be categorised as Category B project. However, w.r.t. the issues regarding splitting of the project in phases to avoid the appraisal under B1 category, the said categorization is totally depend on Culturable Command Area.

Further, it was also noted that in the Form-1 submitted by the PP to SEIAA/SEAC, the total Culturable Command Area (CCA) of the project is mentioned as 10000 ha.; hence, as per the provisions of EIA Notification, 2006 and its amendment therein, the project comes under Category B2 and requires appraisal by State level at SEIAA. However, keeping in view the observations of the Hon'ble Tribunal regarding attempt of the Project Proponent to secure EC under "B2 – Category" to avoid a detailed environmental impact study, public hearing, etc. through splitting the project in phases and non-application of mind by SEIAA/SEAC during appraisal of application/documents while granting EC under B2 category, following shall be sought before drawing any conclusion in this regard:

i. It is appropriate to call the SEIAA officials and project authorities with all relevant documents for discussion before the EAC.

ii. IRO, Vijayawada shall be asked to conduct a site visit for all three Balancing Reservoirs and submit the Inspection Report on total land acquires for the construction of the project and scope of the project is

limited to drinking water usage or comprises of both the components of drinking usage and irrigation usage.

iii. CTE/CTO from State pollution control Board shall be obtained for all the three Balancing Reservoirs.”

The copy of the Record Note of discussion of the EAC held on 17th – 18th October, 2023 is annexed as **Annexure R-2**.



7. Thereafter, the next EAC meeting took place on 24th November, 2023

wherein the EAC considered-

- the discussion with the SEIAA Andhra Pradesh and the project authorities,
- Interim site inspection report provided by the Regional office of the MoEF&CC at Vijayawada and
- Consent to Establish (CTE) document received from SPCB, Andhra Pradesh and
- the sanction granted by the Government of Andhra Pradesh G.O Rt No.461 Dt: 02-09- 2020 for all the three reservoirs i.e. Avulapalli, Nethiguntapalli and Mudiveedu; wherein the execution of the Avulapalli Balancing Reservoir was sanctioned to be taken up in a phased manner with an ultimate storage capacity of 3.5 TMC

without an increase in the ayacut or Culturable Command Area beyond 9700 ha.

Based on the above considerations, the EAC observed that-

“...The SEAC/SEIAA, Andhra Pradesh appraised the project based on documents submitted before them and granted EC under B2 Category, which is as per the provisions of the EIA Notification, 2006, as amended”.

The copy of the Site Inspection Report dated 01.12.2023 and the Record Note of discussion of the EAC held on 24th November, 2023 is annexed as **Annexure R-3 and Annexure R-4** respectively.

II. DIRECTION OF THE HON'BLE TRIBUNAL TO ORDER AN ENQUIRY ON THE OFFICERS OF THE SEIAA ANDHRA PRADESH AND OFFICERS REPRESENTING THE PROJECT PROPONENT AND TO EXAMINE THE POSSIBILITY OF BRINGING THE SEIAAS UNDER THE DIRECT ADMINISTRATIVE CONTROL OF MOEF&CC:

8. In this regard, it is submitted that the SEIAAs are constituted in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and as per the provisions of the EIA Notification, 2006. The Section 3(3) of the

Environment (Protection) Act, 1986 states that the authorities constituted under this section shall be subject to the supervision and control of the Central government. Hence, SEIAAs are already under the control of the Central Government.

Moreover, the Ministry vide its Office Memorandum (OM) dated 13.07.2023 has transformed earlier Monitoring Cell under the IA Division into a dedicated and separate “Compliance and Monitoring Division” (CMD). The major responsibilities of CMD are mentioned in the office order which includes functional auditing of the SEIAA/CZMA and connected matters. Since holding an enquiry on the officers of the SEIAA Andhra Pradesh and officers representing the Project Proponent is an administrative issue, therefore, in light of the OM dated 13.07.2023, a Fact Finding/ Enquiry Committee needs to be set up. In this regard, it is most humbly requested to grant three months for ascertaining the facts and for conducting enquiry as may be required based on the factual position and after examination of all the relevant documents in compliance of the aforesaid directions of the Hon’ble Tribunal.

The copy of the OM dated 13.07.2023 is annexed as **Annexure R-5**.

9. Thus, in view of the above, the interim compliance affidavit may kindly be taken on record and into consideration. It is submitted that the Hon’ble

Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

10. That, other/ancillary issues raised in the application under reply do not pertain to the answering respondent. The Ministry seeks leave to make additional submissions, if required, during the course of the proceedings.

डॉ. सुरेश बाबु पसुपुलेटी
Dr. SURESH BABU PASUPULETI
 वैज्ञानिक 'डी'/SCIENTIST 'D'
 भारत सरकार/Govt. of India
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 Ministry of Environment, Forest and Climate Change
 उप कार्यालय, विजयवाड़ा/Sub Office, Vijayawada



DEPONENT

VERIFICATION

I, the above-named deponent do hereby solemnly affirm and state that the contents of the aforesaid affidavit are true and correct to my personal knowledge and have been derived from the official records maintained by the Respondent. No part of it is false nor has anything material been concealed therefrom.

Verified at Vijayawada on this 14th day of December, 2023.



DEPONENT

डॉ. सुरेश बाबु पसुपुलेटी
Dr. SURESH BABU PASUPULETI
 वैज्ञानिक 'डी'/SCIENTIST 'D'
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 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 Ministry of Environment, Forest and Climate Change
 उप कार्यालय, विजयवाड़ा/Sub Office, Vijayawada

L-11011/13/2022-IA-I(RV)
Government of India
Ministry of Environment, Forest & Climate Change
(Impact Assessment Division)

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Dated: 19th September, 2023

To,

Chairman, Andhra Pradesh,
Ministry of Environment Forests & Climate Change
D.No. 33-26-14 D/2, Near Sunrise Hospital Pushpa Hotel Centre,
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Mail: apseiaams@gmail.com, seiaap9@gmail.com

Sub: Appeal No 56 of 2022 in the matter of Gutha Gunasekhar & Ors versus Union of India & Ors in the NGT Southern Bench at Chennai-reg.

Sir/Madam,

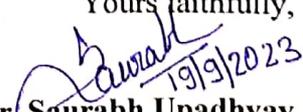
Please find enclosed herewith the order dated 11.05.2023 passed by the Hon'ble Tribunal in the aforesaid matter. The Hon'ble Tribunal has interalia directed as under:

"It is recommended that the Secretary – MoEF&CC to order an enquiry (i) to ascertain the officers of the SEIAA – AP responsible for attempting to create the evidence to show that the prior EC proposal was for Phase – I of the project, (ii) to ascertain the officers representing the project proponent, responsible for filing the fabricated documents before this Tribunal through the SEIAA – AP, and (iii) to ascertain whether there is any collusion by officers of the SEIAA – AP and officers representing the project proponent to falsify the reports"

In this regard, it is requested to submit all the project details/information available with the SEIAA Andhra Pradesh that was considered for grant of the Environmental Clearance, other than the project details/information available on PARIVESH.

This issues with the approval of the Competent Authority.

Yours faithfully,


19/9/2023
Dr. Saurabh Upadhyay
(Scientist C)

Encl. as above

RECORD DISCUSSION OF THE EXPERT APPRAISAL COMMITTEE (EAC) FOR RIVER VALLEY AND HYDROELECTRIC PROJECTS HELD ON THE DIRECTIONS PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL(NGT), SOUTHERN BENCH AT CHENNAI IN APPEAL NO. 56 OF 2022 IN THE MATTER OF GUTHA GUNASEKHAR AND ORS VS. UNION OF INDIA & ORS BEFORE THE HON'BLE NGT (SZ), CHENNAI REGARDING CONSTRUCTION OF AVULAPALLI BALANCING RESERVOIR WITH A CAPACITY OF 2.5 TMC, NEAR AVULAPALLI VILLAGE, SOMALA MANDAL, CHITTOOR DISTRICT BY WATER RESOURCE DEPARTMENT UNDER STATE OF ANDHRA PRADESH

The re-constituted EAC, constituted by the Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi for considering the River Valley & Hydroelectric Projects for grant of Environmental Clearance under the provisions of the EIA Notification, 2006, as amended, discussed the issues related to the directions passed by the Hon'ble NGT, Southern Bench at Chennai in the Appeal no. 56 of 2022 in the matter of Gutha Gunasekhar and Ors vs. Union Of India & Ors on 17th - 18th October, 2023, under the Chairmanship of Prof. G. J. Chakrapani. The list of Members present in the meeting is at **Annexure**.

2.0 The Chairman EAC welcomed all members and thereafter the matter was taken up for discussion by the EAC.

3.0 The Member Secretary, EAC informed the EAC that the Appeal no. 56 of 2022 in the matter of Gutha Gunasekhar and Ors vs. Union of India & Ors has been filed before the Hon'ble NGT (SZ), Chennai challenging the EC vide no. EC22B003AP123956, File No. AP RIV CTR 7 2022 4517, dated 08.09.2022 issued by the State Environment Impact Assessment Authority (SEIAA), Andhra Pradesh for Construction of Avulapalli Balancing Reservoir with a capacity of 2.5 TMC, near Avulapalli Village, Somala Mandal, Chittoor District by Water Resource Department under State of Andhra Pradesh.

4.0 While hearing the matter on 11.05.2023, the Hon'ble NGT (SZ) allowed the appeal and the EC dated 08.09.2022 granted by the 2nd Respondent i.e SEIAA, Andhra Pradesh was set aside and observed as under:

- The Project Proponent (PP) has concealed information, furnished false information and has not furnished all details of the different phases of the project. Therefore, it cannot be said that the proposal was for Phase-I and it cannot also be said that PP has reported that the total capacity of the project as 3.5 TMC. **(Para no. 47 of NGT Order 11.05.2023)**
- Construction of the Mudivedu and Nethiguntapalli Reservoirs is illegal as the information provided before the SEIAA – AP that the ayacut to be benefited will be 832 Hectares and 742 Hectares under the Mudivedu and Nethiguntapalli Balancing Reservoirs respectively is blatantly false. **(Para no. 53 and 54 of NGT Order 11.05.2023)**

- Failure to seek required information only reveals that there was no application of mind on the part of the SEIAA – AP and adverse inference has to be drawn that they were too eager to grant the EC, without detailed scrutiny of DPR and the documents associated with the G.O.Rt. No.461 dt.02.09.2020 and simply based on the false information and also offered advisory for two projects that EC is not required, though they require prior EC. **(Para no. 55 of NGT Order 11.05.2023)**
- From the above, it is revealed that the project relies on drawal of the excess water from the Srisailam Reservoir (on Krishna River) which is an interstate river and consequently, the category may become “A – Category” to be granted by the MoEF&CC as per S.O 1886(E) dated 20-4-2022 which stipulates that “Irrigation projects involving Inter-State issues shall be appraised at Central level without change in category”. **(Para no. 63 of NGT Order 11.05.2023)**
- The contention of the 2nd respondent that “there is no illegality in splitting the proposed plan into two phases and the EIA Notification itself provides for a mechanism for granting fresh EC for expansion projects” without furnishing the full details of the new ayacut to be benefitted by the Project as conceived and approved by the Government, if accepted will negate the very objective of categorization of the projects as per the EIA Notification and such an argument, if accepted, is fraught with serious environmental consequences since all the projects can be split into phases either to avoid EC or to shift the project category into “B2 – Category” to avoid rigors of EIA Study and public hearing as happened in the instant case. **(Para no. 64)**
- “...However while sanctioning the EC, the SEAC - AP and SEIAA - AP has miserably failed in securing all the relevant documents for carrying out a detailed scrutiny and it appears that they were too eager to enable the PP to undertake construction of Avulapalli Reservoir without EIA study and Public Hearing by categorising it as „B2“. They also enabled construction of Mudivedu and Nethiguntapalli reservoirs without EC which amounts to abject failure of their duties and abuse of power vested in them.” **(Para no. 70 of NGT Order 11.05.2023).**

5.0 The Hon’ble Tribunal has passed following directions for compliance:

- i. *A penalty of Rs.100 Crores is imposed on the Project Proponent /Water Resources (Project – III) Department, State of Andhra Pradesh payable to the Krishna River Management Board within a period of 03 (Three) months for their attempt to secure EC under “B2 – Category” to avoid a detailed environmental impact study, public hearing, etc.*
- ii. *The project works in Avulapalli, Mudivedu, and Nethiguntapalli Balancing Reservoirs should be stopped forthwith.*

- iii. *A Committee comprising (i) the senior most Scientist from Integrated Regional Office - MoEF&CC Vijayawada, (ii) a Senior Engineer from CPCB and (iii) a Senior Engineer of Krishna River Management Board to be constituted to assess the environmental damage caused and arrive at the environmental compensation to be levied on the Project Proponent.*
- iv. *It is recommended that the Secretary to GOI, Ministry of Jal Shakti to constitute a committee of Engineers from Central Water Commission and Krishna River Management Board to study the scheme sanctioned by Government of Andhra Pradesh vide G.O.Rt No.461 dated 02-09-2020 has been modified and if yes, assess whether the source of water involves drawl of water from Krishna river and submit a report to MOEF&CC for deciding the category of the project as "A" or "B1" for consideration of grant of EC.*
- v. *It is recommended that the Secretary – MoEF&CC to order an enquiry (i) to ascertain the officers of the SEIAA – AP responsible for attempting to create the evidence to show that the prior EC proposal was for Phase – I of the project, (ii) to ascertain the officers representing the project proponent, responsible for filing the fabricated documents before this Tribunal through the SEIAA – AP, and (iii) to ascertain whether there is any collusion by officers of the SEIAA – AP and officers representing the project proponent to falsify the reports.*
- vi. *The MoEF&CC may examine the possibility of bringing the SEIAAs under the direct administrative control of MoEF&CC even if the officers are drawn from the pool of State Government/All India Service officials of the concerned State.*

6.0 Directions of the Hon'ble Tribunal for the MOEF&CC for Compliance:

- I. To decide the category of the project as "A" or "B1" for consideration of grant of EC after considering the report of the MoJS.
- II. To enquire and ascertain the responsibility of Officers of the SEIAA – AP
- III. To examine the possibility of bringing the SEIAAs under the direct administrative control of MoEF&CC.

7.0 The State of Andhra Pradesh filed a Civil Appeal No. 3802 of 2023 before the Hon'ble Supreme Court against the judgement dated 11.05.2022 passed by the Hon'ble NGT, Chennai in Appeal No. 56 of 2022 whereby the State of Andhra Pradesh has been reprimanded for the alleged misrepresentation of facts for obtaining the EC for Avulappali Balancing Reservoir. The MoEF&CC is arrayed as Respondent no. 14 in this matter. The Hon'ble Supreme Court passed the following order:

"Issue notice, returnable in the month of October 2023. Appearance is entered on behalf of respondent nos. 1 to 13 and hence, notice need not be served on them.

The other respondents will be served by all modes, including dasti. In the meanwhile, there will be stay of the direction given in the impugned judgment with regard to

penalty/compensation, subject to the appellants depositing an amount of Rs.25,00,00,000/- (Rupees twenty five crore only) with the authorities within a period of eight weeks from today. The deposit will be subject to the outcome of the present appeal.”

8.0 Report regarding 'Assessment of Source of Water' by Ministry of Jal Shakti (MoJS) in compliance of the final order dated 11.05.2023:

The Member Secretary, EAC further informed the EAC that Hon'ble NGT had recommended the Secretary to GOI, Ministry of Jal Shakti (MoJS) to constitute a committee of Engineers from Central Water Commission and Krishna River Management Board to study the scheme sanctioned by Government of Andhra Pradesh vide G.O.Rt No.461 dated 02-09-2020 has been modified and if yes, assess whether the source of water involves drawl of water from Krishna river and submit a report to MOEF&CC for deciding the category of the project as “A” or “B1” for consideration of grant of EC.

Accordingly, the MoJS vide order dated 18.07.2023 constituted a committee and the report was finalized on 27.09.2023. The MoJS has forwarded the report to the MoEF&CC vide letter dated 27.09.2023 the same was received by MoEF&CC on 03.10.2023 by the MoEF&CC. The committee concluded in its report that the source of water for Avulapalli Balancing Reservoir does not involve drawl from Krishna River.

The Member Secretary, EAC also informed the EAC that the MoEF&CC vide letter dated 19.09.2023 sought all the project documents submitted by the project proponent /correspondence between SEIAA/SEAC and Project Proponent. The SEIAA vide email dated 21.09.2023 provided following documents:

- i. Year wise inflows and outflows of Gandikota Reservoir.
- ii. Minutes of review meeting dated 08.05.2022.
- iii. Govt. of AP (Abstract) of the project.
- iv. Safety consideration in earth bund of Avulapalli Balancing Reservoir considering earthquake condition
- v. Site inspection report of Mudiveedu Balancing Reservoir, Nethiguntapalli Balancing Reservoir, Avulapalli Balancing Reservoir
- vi. Environment Management Plan (Avulapalli Balancing Reservoir)
- vii. Form I, Form II and EMP.

9.0 The Member Secretary had informed that the Ministry has decided to examine the matter in consultation with EAC (River Valley & Hydro-electric). The EAC thereafter examined the report forwarded by the MoJS and noted the following:

- A. As per the EIA Notification, 2006 and its amendment therein, all irrigation project comes under category B. Also, irrigation projects involving Inter-State issues shall be appraised at Central level without change in category. As per the EIA Notification, 2006 all Medium irrigation system (> 2000 and < 10,000 ha.) projects, required to prepare EMP and to be dealt at State Level (B2 category).
- B. The committee constituted by the MoJS concluded in its report that the source of water for Avulapalli Balancing Reservoir does not involve drawl from Krishna River. Which clarified that no Inter-State issues involved in the project.
- C. The EAC noted the observations of the Hon'ble Tribunal that the PP has split the project into phases intentionally just to avoid the appraisal under B1 category, as under B2 category there is no requirement preparation of EIA and EMP. NGT vide its order dated 11th May, 2023 *inter-alia* observed the following:
- i. The minutes of the SEAC – AP reveals that they have perused the G.O. Rt. No.461 dated 02.09.2020, but it is only the abstract of the said G.O. which is available in the records furnished to the SEIAA – AP which implies that the SEAC – AP has not done due diligence and has not applied its mind and has not even bothered to secure the details from the project proponent to ascertain whether the ayacut area is less than 10,000 Hectare before they have concluded that it falls under “B2 – Category” as per S.O.3977 (E) dated 14.08.2018. From the above, it is evident that the project proponent has misled, falsified and modified the project by claiming that new ayacut will be only 9,700 Hectares contrary to the orders of the Government to secure the EC under the “B2 – Category”.
 - ii. The project proponent has indicated that the drinking water requirement will be 1.31 TMC to meet the drinking water needs of 2.75 Lakh people, though there is no such mention in the abstract of the said G.O Rt. No.461 dated 02.09.2020. However, a perusal of the Report Accompanying the Estimate for the formation of Avulapalli Balancing Reservoir reveals that the three balancing reservoirs viz., Avulapalli, Mudivedu, and Nethiguntapalli sanctioned under the G.O. Rt. No.461 dated 02.09.2020, will have total live storage capacity of 6.5 TMC, i.e. capacity of Mudivedu Reservoir is 2 TMC, Nethiguntapalli Reservoir is 1 TMC and Avulapalli Reservoir is 3.5 TMC. It is proposed to irrigate 70,000 Acres of direct ayacut with 3.5 TMC and to stabilize an existing ayacut of 40,000 Acres under MI Tanks with 2 TMC together with providing drinking water facilities and 1 TMC from all the three balancing reservoirs, which is contrary to the claim made by the project proponent before the SEAC - AP and SEIAA – AP.
 - iii. There was no attempt by the SEAC – AP to ascertain whether for a population of 2.75 lakhs, the requirement of drinking water as per the National Standards will be 1.31 TMC or not. No critical analysis done as per the National Rural Drinking Water Program of the proposal that has been submitted by the project proponent and the proposal was accepted on its face value without any scrutiny.
 - iv. The project proponent has submitted certain documents physically to SEAC - AP for appraisal. Some of the documents were submitted only after the grant of EC.

- v. In the documents filed by SEIAA - AP dated 06.04.2023, in the Index it was also stated that a modified Environmental Management Plan report was physically submitted to SEAC – AP for appraisal. However, the date of submission of document i.e. modified EMP, is not mentioned.
- vi. A perusal of the original EMP as well as modified EMP reveals that for the first time information that the project will be implemented in two phases finds place only in the modified EMP. The undated modified EMP is not available in the documents submitted to SEIAA - AP online. Therefore, the above document has no value. It appears that this modified EMP plan has been prepared only to justify the stand taken by SEIAA - AP in its counter affidavit to justify its sanction of the EC claiming that the project proponent has submitted a proposal for phase-I of the project which needs further probe.
- vii. Further, it was misleading since there is not even a whisper in the Minutes of the meeting of SEAC – AP that the Project capacity is 3.5 TMC and scope of present project is for Phase -I and the minutes also do not reveal that revised EMP was called for.
- viii. Allegations made by the petitioner and submissions made by SEIAA.

S.No.	Allegation that appellant has raised in the petition	SEIAA submission in their affidavit
1.	The Avulapalli Reservoir is proposed to create new command area of 40,000 acres plus 20,000 acres of existing ayacut by storing 3.5 TMC of water from GaleruNagar Sujala Sravanthi (GNSS) Scheme. The Government of Andhra Pradesh has given approval for Administrative Approval for the work of “Investigation and Construction of Lift Schemes” to lift water from Galeru Nagar Sujala Sravanthi (GHSS) to Handri Neeva Sujala Sravathi (HNSS). The impugned EC was issued without application of mind on misrepresentation of facts.	Avulapalli Reservoir through the expansion of an existing minor irrigation tank. This 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. Initially the Avulapalli Reservoir was part of the HNSS Scheme, later the proposal had undergone a change whereby the source of the water has been changed to get it only from the self-catchment system. Therefore, the Avulapalli Reservoir has got nothing to do with HNSS scheme. The project proponent had disclosed that while it had obtained administrative sanction for 3.5 TMC, the scope of the project presently

		implemented was shown only as 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.
2.	The EC is obtained only for Avulapalli Balancing Reservoir with the capacity of 2.5 TMC whereas G.O. Rt. 444 dated 26.08.2020 and G.O Rt. 461 dated 02.09.2020 proposed three reservoirs linking GNSS and HNSS.	<p>The administrative approvals in respect of the Avulapalli reservoir was obtained for a total capacity of 3.5 TMC. It is for the sake of administrative convenience and the development is only being undertaken for what is envisaged as Phase 1 at present.</p> <p>At the 189th Meeting held on 28.07.2022, the issue of EC for Mudivedu and Nethiguntapalli Reservoirs were discussed. It was determined that the said reservoirs were not required to obtain EC since the Ayacut was less than 2000 hectares.</p> <p>Phase 1 of the project is predominantly for supply of drinking water which contemplated a culturable command area of less than 10,000 hectares, the project was classified under B2 category as per the Statutory Orders of MoEF&CC. Only after following the procedure as per the law, the SEIAA has granted the impugned EC on 03.9.2022.</p>
3.	The project proponent has taken the land belonging to the Forest Department without the impact assessment being done on the forest and eco-sensitive zone.	The land 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 present project will not affect the forest land as it is far away from the forest boundary.
4.	The capacity of the reservoir is shown as 2.5 TMC in the project but	The total intended capacity of the proposed reservoir is 3.5 TMC as per the

	<p>it was 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 application is considered for construction of project only and subsidiary canals are not included.</p>	<p>administrative sanction. However, the application for EC was made only for Phase 1 project, 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.</p> <p>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 only the extent of ayacut/ culturable command area that determines the category of the project and requirement of obtaining an EC in the first place. Therefore, there is no illegality in splitting the proposed plan into two phases.</p>
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ix. The applicant along with his Appeal submitted:

- a. Copy of the abstract of G.O. Rt. No.461 dated 02.09.2020
- b. Check Slip accompanying the project/ scheme/ work estimate
- c. Report Accompanying the Estimate for the formation of Avulapalli Balancing Reservoir near Avulapalli Village in Somala Mandal of Chittoor District.

10.0 The EAC examined the project documents/correspondence submitted by the project proponent to the SEIAA at the time of consideration of the said project as well as the documents received from SEIAA. The EAC after detailed deliberations was of the view that in view of the recommendation of the report received from the MoJS it can be inferred that there is no inter-state issue is involved. Based on information given in Form-1, the 'General Condition' of the EIA Notification, 2006, as amended is also not applicable to the project, so the project may be categorised as Category B project. However, w.r.t. the issues regarding splitting of the project in phases to avoid the appraisal under B1 category, the said categorization is totally depend on Culturable Command Area.

Further, it was also noted that in the Form-1 submitted by the PP to SEIAA/SEAC, the total Culturable Command Area (CCA) of the project is mentioned as 10000 ha.; hence, as per the provisions of EIA Notification, 2006 and its amendment therein, the project comes under Category B2 and requires appraisal by State level at SEIAA. However, keeping in view the observations of the Hon'ble Tribunal regarding attempt of the Project Proponent to secure EC under "B2 – Category" to avoid a detailed environmental

impact study, public hearing, etc. through splitting the project in phases and non-application of mind by SEIAA/SEAC during appraisal of application/documents while granting EC under B2 category, following shall be sought before drawing any conclusion in this regard:

- i. It is appropriate to call the SEIAA officials and project authorities with all relevant documents for discussion before the EAC.
- ii. IRO, Vijayawada shall be asked to conduct a site visit for all three Balancing Reservoirs and submit the Inspection Report on total land acquires for the construction of the project and scope of the project is limited to drinking water usage or comprises of both the components of drinking usage and irrigation usage.
- iii. CTE/CTO from State pollution control Board shall be obtained for all the three Balancing Reservoirs.

Annexure

ATTENDANCE

1ST MEETING OF RE-CONSTITUTED EXPERT APPRAISAL COMMITTEE (EAC)
RIVER VALLEY AND HYDROELECTRIC PROJECTS

DATE : 17-18th October 2023
 TIME : 11.00 AM onwards
 VENUE : Indus Hall, Jal Block, Indira Paryavaran Bhawan, New Delhi.

Sl.No.	Name of Member	Role	Signature (17.10.2023)	Signature (18.10.2023)
1.	Prof. G. J. Chakrapani	Chairman	G.J.Chakrapani	G.J.Chakrapani
2.	Dr. Udaykumar R. Y.	Member		
3.	Dr. Mukesh Sharma	Member	Joined through VC	Joined through VC
4.	Shri Janardan Choudhary	Member	Joined through VC	- Ab -
5.	Dr. J V Tyagi	Member		
6.	Shri Kartik Sapre	Member		
7.	Shri Ajay Kumar Lal	Member		
8.	Shri Sharvan Kumar, (Chief Engineer, HPA), Representative of Central Electricity Authority (CEA)	Member		- Ab -
9.	Shri Alok Paul Kalsi, Director (EM) Representative of Central Water Commission (CWC)	Member	Joined through VC	Joined through VC
10.	Dr. J.A. Johnson, Scientist - F Representative of Wildlife Institute of India (WII)	Member	Joined through VC	- Ab -
11.	Dr B.K. Das, Director / Dr. A.K. Sahoo, Senior Scientist Representative of Central Inland Fisheries Research Institute (CIFRI)	Member	Joined through VC	Joined through VC
12.	Shri Yogendra Pal Singh	Scientist - E and Member Secretary (River Valley and Hydroelectric Projects), MoEF&CC	Joined through VC	

APPROVAL OF THE CHAIRMAN

Email

Yogendra Pal Singh

Re: Draft record note of discussion -directions passed by the Hon'ble NGT, Southern Bench at Chennai in the Appeal no. 56 of 2022 in the matter of Gutha Gunasekhar and Ors vs. Union Of India & Ors on 17th - 18th October, 2023-reg.

From : chakrapani govind <chakrapani.govind@gmail.com>

Mon, Nov 13, 2023 05:12 PM

Subject : Re: Draft record note of discussion -directions passed by the Hon'ble NGT, Southern Bench at Chennai in the Appeal no. 56 of 2022 in the matter of Gutha Gunasekhar and Ors vs. Union Of India & Ors on 17th - 18th October, 2023-reg.

To : Yogendra Pal Singh <yogendra78@nic.in>

Yes, it is fine. Please go ahead.
G.J. Chakrapani

On Mon, 13 Nov 2023, 17:06 Yogendra Pal Singh, <yogendra78@nic.in> wrote:

Dear Sir,

In view of the discussion held on the issue during 3rd meeting of the EAC (RV&HEP) held on 10.11.2023, if agreed, we can issue record note of discussion as seen by you and we may take action accordingly.

Email

Sarvesh Narwal

Hon'ble NGT directions in Appeal no. 56 of 2022 titled as Gutha Gunasekhar and Ors vs. Union of India & Ors -reg.

From : Yogendra Pal Singh <yogendra78@nic.in> Fri, Nov 17, 2023 10:14 AM
Subject : Hon'ble NGT directions in Appeal no. 56 of 2022 titled as Gutha Gunasekhar and Ors vs. Union of India & Ors -reg. 2 attachments
To : IRO Vijayawada <iro.vijayawada-mefcc@gov.in>
Cc : Saurabh Upadhyay <saurabh.upadhyay85@gov.in>, Sourabh Kumar <sourabh.9@govcontractor.in>, ishanvi m <ishanvi.m@govcontractor.in>, Sarvesh Narwal <sarvesh.narwal@gov.in>

**URGENT
NGT MATTER**

Dear Sir,

The is with a reference to the final order dated 11.05.2023 (**enclosed**) passed by the Hon'ble NGT (SZ) in the matter Appeal no. 56 of 2022 titled as Gutha Gunasekhar and Ors vs. Union of India & Ors wherein the petitioner has challenged the EC dated 08.09.2022, issued by the State Environment Impact Assessment Authority (SEIAA), Andhra Pradesh vide no. EC22B003AP123956 in File No. AP RIV CTR 7 2022 4517 for construction of Avulapalli Balancing Reservoir with a capacity of 2.5 TMC, near Avulapalli Village, Somala Mandal, Chittoor District by Water Resource Department under State of Andhra Pradesh.

2. In compliance of order dated 08.09.2022 passed by the Hon'ble NGT (SZ), the Ministry has decided to examine the matter in consultation with EAC (River Valley & Hydro-electric). Accordingly, the matter was examined by the sectoral EAC on 17th - 18th October, 2023 (**Record Note of discussion is enclosed**). In the said meeting the EAC has recommended for IRO site inspection of all three Balancing Reservoirs (i.e. Avulapalli, Muivedu, and Nethiguntapalli Balancing Reservoirs) and report on total land acquired for construction of the project along with scope of the project.

3. In view of the above, it is requested to conducted the site visit and provide report on aforementioned aspects **latest by 23rd of November, 2023**, as the matter will be discussed again during EAC meeting scheduled on 24.11. 2023.

Thanks and Regards

With Regards,

Yogendra Pal Singh
Scientist 'E'
M/o Environment, Forest and Climate Change
Room No. 236, 2nd Floor, Vayu Wing
Indira Paryavaran Bhawan
Jor Bagh, New Delhi-110003
Tele-fax: 011-20819364



 **Final_Record note of discussion on Avulapalli_03112023_F.pdf**
2 MB

 **Final order dated 11 05 2023.pdf**
297 KB

Email**Sarvesh Narwal****From :** Yogendra Pal Singh <yogendra78@nic.in>

Sat, Dec 09, 2023 06:51 PM

Subject : Fwd: INTERIM SITE INSPECTION REPORT OF
AVULAPALLI BALANCING RESERVOIR IN CHITTOOR
DISTRICT-reg 1 attachment**To :** Sarvesh Narwal <sarvesh.narwal@gov.in>

With Regards, Yogendra Pal Singh Scientist 'E'M/o Environment,
Forest and Climate Change Government of India Room No. 236, 2nd Floor, Vayu
Wing Indira Paryavaran Bhawan Jor Bagh, New Delhi-110003 Tele-fax:
011-20819364

----- Forwarded Message -----

From: IRO Vijayawada <iro.vijayawada-mefcc@gov.in>

To: Yogendra Pal Singh <yogendra78@nic.in>

Sent: Fri, 01 Dec 2023 14:34:37 +0530 (IST)

Subject: INTERIM SITE INSPECTION REPORT OF AVULAPALLI BALANCING RESERVOIR
IN CHITTOOR DISTRICT-reg

Sir,

Please find the draft INTERIM SITE INSPECTION REPORT OF AVULAPALLI
BALANCING RESERVOIR IN CHITTOOR DISTRICT which already sent via watsapp
communication on 24.11.2023.

भवदीय / Yours faithfully,

डॉ। सुरेश बाबु पसुपुलेटी

Dr. Suresh Babu Pasupuleti

Joint Director (S)

Sub Office at Vijayawada,

Ministry of Environment, Forest & Climate Change,

Green House complex, Gopala Reddy Road,

Vijayawada - 520010, Andhra Pradesh.

Ph: +91 8008143846

**20231121 Avulapalli Reservoir Interim Report.docx**

2 MB

INTERIM SITE INSPECTION REPORT OF AVULAPALLI BALANCING RESERVOIR IN CHITTOOR DISTRICT

1.0. Preamble

In compliance of Hon'ble NGT, SZ, Chennai Judgement Order dated 11.05.2023 in Appeal No. 56 of 2022 in the matter of Gutha Gunasekhar and Ors. Vs Union of India and Ors, MoEF&CC, New Delhi vide E-mail Letter dated 17.11.2023 has requested Sub Office, Vijayawada to verify all three Balancing Reservoirs i.e., Avulapalli, Mudivedu, and Nethiguntapalli Balancing Reservoirs and report on total land acquired for construction of the project along with scope of the project.

In compliance to above directions, Dr. Suresh Babu Pasupuleti, Scientist 'D' from Ministry's Sub Office, Vijayawada has conducted site inspection of Avulapalli Balancing Reservoir in Chittoor District on 21.11.2023.

During the visit, Smt M. Prasanna Kumari, Deputy Executive Engineer, Irrigation sub -Division, Pileru is present.

2.0. Avulapalli Balancing Reservoir

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

The Govt. of Andhra Pradesh, Water Resources Department vide G.O. Rt. No. 354 dated 02.08 2023 accorded approval for following:

- i. To take up the work for enhancing the storage capacity of Sitamma cheruvu as Avulapalli Balancing Reservoir to 2.5 TMC under phase-I and to ultimately extend the same to 3.5 TMC under phase-II, to meet the needs of the future population and contemplated new ayacut.
- ii. Allocate 6.5 TMC of water to the above 3 Reservoirs out of balance available 25.680 TMC of water from Penna Basin at Gandikota Reservoir and to utilize the same for drinking and domestic needs

including stabilization of existing ayacut and irrigation needs of future contemplated ayacut.

- iii. Considering the matter is sub-judice before the Hon'ble Supreme Court, this G.O shall only be given effect to, after obtaining the necessary clarification/permission from the Hon'ble Supreme Court.

2.1. Land Acquisition Status:

As per the information provided by Project Proponent, the Land Acquisition as on 20.11.2023 for Avualapalli Balancing Reservoir is as follows:

Sl. No.	Executive Engineer, Irrigation Division Madanapalle reference No.& Date	Name of the Village & Mandal	Extent requisitioned in acres				
			Patta land	DKT land	Govt. land	BPRT	Total
1	Lr.No.EE/ID/MPL/ Balancing Reservoir /Avulapalle / 7R, Dt.21.06.2021 of Executive Engineer, Madanapalle	Avulapalle palle village of Somala mandal	25.89	522.92	386.72	584.76	1520.29
		Peddauppaapalle village of Somala mandal	0	1.80	0.20	0	2.00
		Total	25.89	524.72	386.92	584.76	1522.29

It has been observed that the PAs are in process of acquiring above land along with Revenue Department, Govt. of Andhra Pradesh.

The satellite image of the reservoir is as follows:



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





3.0. Conclusions

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

- The Govt. of Andhra Pradesh, Water Resources Department vide G.O. Rt. No. 354 dated 02.08 2023 is intended to construct Sitamma cheruvu as Avulapalli Balancing Reservoir with capacity of 2.5 TMC under phase-I and to ultimately extend the same to 3.5 TMC under phase-II, to meet the needs of the future population and contemplated new ayacut. Allocate 6.5 TMC of water to the above 3 Reservoirs out of balance available 25.680 TMC of water from Penna Basin at Gandikota Reservoir and to utilize the same for drinking and domestic needs including stabilization of existing ayacut and irrigation needs of future contemplated ayacut.
- Construction of Avulapalli Balancing Reservoir was discontinued since May, 2023.
- The total land acquisition of 1522.29 Acres is under process.

RECORD DISCUSSION OF THE EXPERT APPRAISAL COMMITTEE (EAC) FOR RIVER VALLEY AND HYDROELECTRIC PROJECTS HELD ON THE DIRECTIONS PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL(NGT), SOUTHERN BENCH AT CHENNAI IN APPEAL NO. 56 OF 2022 IN THE MATTER OF GUTHA GUNASEKHAR AND ORS VS. UNION OF INDIA & ORS BEFORE THE HON'BLE NGT (SZ), CHENNAI REGARDING CONSTRUCTION OF AVULAPALLI BALANCING RESERVOIR WITH A CAPACITY OF 2.5 TMC, NEAR AVULAPALLI VILLAGE, SOMALA MANDAL, CHITTOOR DISTRICT BY WATER RESOURCE DEPARTMENT UNDER STATE OF ANDHRA PRADESH

The re-constituted Expert Appraisal Committee (EAC) of the Ministry of Environment, Forest and Climate Change, Government of India for considering the River Valley & Hydroelectric Projects for grant of Environmental Clearance under the provisions of the EIA Notification, 2006, as amended, discussed the issues related to the directions passed by the Hon'ble NGT, Southern Bench at Chennai in the Appeal no. 56 of 2022 in the matter of Gutha Gunasekhar and Ors vs. Union Of India & Ors. during its meeting (virtual) held on 24th November, 2023, under the Chairmanship of Prof. G. J. Chakrapani regarding construction of Avulapalli balancing reservoir with a capacity of 2.5 TMC, near Avulapalli Village, Somala Mandal, Chittoor District by Water Resource Department, State of Andhra Pradesh. The list of Members present in the meeting is at **Annexure**.

2.0 After welcoming remarks by the Chairman the matter was taken up for discussion. The Member Secretary, EAC informed that:

3.0 Earlier, the EAC, during its meeting of 17th - 18th October, 2023, examined the project documents/correspondence, submitted by the Project Proponent to the SEIAA, Andhra Pradesh at the time of consideration of the said project for grant of Environmental Clearance, as received from SEIAA, Andhra Pradesh. The EAC after examination of the documents and detailed deliberations was of the view that the following procedure be adopted for obtaining appropriate information from SEIAA, Andhra Pradesh regarding the PP seeking EC under "B2 – Category" to avoid a detailed EIA process & appraisal:

- i. To invite the SEIAA, Andhra Pradesh and project authorities with all relevant documents for discussion with the EAC.
- ii. IRO, Vijayawada shall conduct a site visit for all three Balancing Reservoirs and submit Inspection Report on total land acquired for the construction of the project and as per scope of the project for drinking water usage only or comprised both for drinking and irrigation purpose.
- iii. CTE/CTO from State Pollution Control Board shall be obtained for all the three Balancing Reservoirs.

2.0 The EAC had requested for a meeting online on 24th November 2023 with the Chairman SEIAA, Andhra Pradesh and the project authorities.

3.0 Earlier, the IRO, MoEF&CC at Vijayawada submitted an interim site inspection report stating that:

- i. The Govt. of Andhra Pradesh, Water Resources Department vide G.O. Rt. No. 354 dated 02.08.2023 intended to construct Sitamma cheruvu as Avulapalli Balancing Reservoir with capacity of 2.5 TMC under phase-I and to ultimately extend the same to 3.5 TMC under phase-II, to meet the needs of the future population and contemplated new ayacut. It was proposed to allocate 6.5 TMC of water to the above 3 Reservoirs out of the balance availability of 25.680 TMC of water from Penna Basin at Gandikota Reservoir and to utilize the same for drinking and domestic needs including stabilization of existing ayacut and irrigation needs of future contemplated ayacut.
- ii. Construction of Avulapalli Balancing Reservoir was discontinued since May, 2023.
- iii. The total land acquisition of 1522.29 Acres is under process.

4.0 The State Pollution Control Board (SPCB) issued Consent to Establish (CTE) issued for construction of Avulapalli Reservoir vide Order No. 340/APPCB/CFE/HO/RO-TPT/2022 dated 02/11/2022, Andhra Pradesh.

5.0 Thereafter, the Chairman SEIAA, Andhra Pradesh expressed their views about the appraisal of project under B2 Category as per the provisions of the EIA Notification, 2006. It was informed that the PP submitted the documents related to the project i.e. EMP, PFR/DPR, G.O.RT. No. 461 dated: 02-09-2020, Form- 2 to the SEIAA, Andhra Pradesh online on PARIVESH for appraisal of said project for grant of Environmental Clearance. It was informed during the presentation and appraisal that it has been mentioned in Section 2.2: Scope in the DPR that the Government of Andhra Pradesh vide G.O Rt No.461 Dt: 02-09- 2020 has accorded the sanction for all the three reservoirs i.e. Avulapalli, Nethiguntapalli and Mudiveedu wherein the execution of the Avulapalli Balancing Reservoir was sanctioned to be taken up in a phased manner with an ultimate storage capacity of 3.5 TMC without any increase in the ayacut or culturable command area beyond 9700 ha. This information was considered as the basis for categorisation of the project under B2 Category.

Further, it was also informed that the details of Avulapalli Project mentioned in the DPR are not contrary to the details of the project furnished in Form- 2 and EMP produced before SEAC and SEIAA. The Environmental Clearance issued to the said project is based on the uploaded documents, presentations and discussions made during the appraisal by SEAC and in accordance with the SOs.

It was also informed that the SEIAA, Andhra Pradesh, being party respondent in the captioned matter, has filed the counter affidavit before Hon'ble NGT, Southern Zone. In this

connection, the Counsel asked for certain additional data which might be useful to their understanding and submission. That data does not have any linkage to the examination and appraisal of project by SEAC/SEIAA for grant of Environmental Clearance under B2 Category. The documents on the seismic design were submitted after grant of the EC. In addition, the flow data into the Srisailem and Gandikota reservoirs were submitted. This does not have any linkage to the issue of EC. In fact, one of the conditions in the EC issued is “A seismic design parameter for the dams need to be approved by National Commission of Seismic Design Parameters (NCSDP)” which is not applicable for the present project. If the seismic design certificate is taken into consideration for appraisal, this condition might not have been required in the EC issued. The inflows and outflows of the Srisailem reservoirs don not have any bearing on the decision of either categorisation or jurisdiction of appraisal as it is not related to the present project.

5.0 The EAC considered the discussion with the SEIAA and the project proponent authorities, interim site inspection report provided by the IRO, Vijayawada and Consent to Establish (CTE) document received from SPCB, Andhra Pradesh and as per Government of Andhra Pradesh G.O Rt No.461 Dt: 02-09- 2020 the sanction for all the three reservoirs i.e. Avulapalli, Nethiguntapalli and Mudiveedu; wherein the execution of the Avulapalli Balancing Reservoir was sanctioned to be taken up in a phased manner with an ultimate storage capacity of 3.5 TMC without an increase in the ayacut or Culturable Command Area beyond 9700 ha. The reservoirs namely Nethiguntapalli and Mudiveedu are constructed for supplying the drinking water only. As per the CTE issued by the State Pollution Control Board, Andhra Pradesh, the Culturable Command Area of the Avulapalli Balancing Reservoir is 9700 Ha. The EAC also considered the capacity of reservoir as not the criteria for categorisation of an irrigation project rather, it is the Culturable Command Area which is important in considering the category of the proposed project which is <10,000 ha and as per the report received from the Ministry of Jal Shakti, GoI there is no inter-state issue as well. Based on the above considerations, the EAC observed that “The SEAC/SEIAA, Andhra Pradesh appraised the project based on documents submitted before them and granted EC under B2 Category, which is as per the provisions of the EIA Notification, 2006, as amended”.

Annexure**List of Participants**

S.No.	Name of EAC Member	Role
1.	Prof. G. J. Chakrapani	Chairman
2.	Dr. Udaykumar R. Y.	Member
3.	Dr. Mukesh Sharma	Member
4.	Dr. J V Tyagi	Member
5.	Shri Kartik Sapre	Member
6.	Shri Ajay Kumar Lal	Member
7.	Shri Sharvan Kumar	Representative of CEA
8.	Dr. J A Johnson	Representative of WII
9.	Dr. A.K. Sahoo	Representative of CIFRI
10.	Shri Yogendra Pal Singh	Member Secretary

Participants from SEIAA, Andhra Pradesh, SEAC, Andhra Pradesh and Project Proponent

A. SEIAA, Andhra Pradesh		
S.No	Name	Role
1.	Shri P Venkata Rami Reddy	Chairman
2.	Shri T Bairagi Reddy	Member
3.	Shri P.V.Chalapathi Rao	Member Secretary
B. SEAC, Andhra Pradesh		
1.	Shri G.V.R. Srinivasa Rao	Chairman
2.	Shri N.V.Bhaskar Rao	Member Secretary
3.	Shri B Siva Kumar	The Then Member Secretary
C. Water Resources Department, Government of Andhra Pradesh		
1.	Shri C Narayana Reddy	Engineer-in-Chief, Irrigation, Vijayawada
2.	Smt Prasanna Kumari	Deputy Executive Engineer

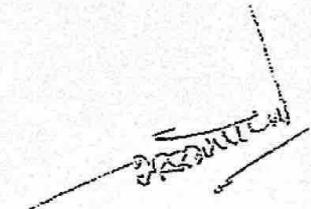
Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi - 110 003Dated: 13th July, 2023OFFICE ORDER

As a step towards strengthening the environmental compliance and monitoring for effective implementation of provisions of Environment (Protection) Act, 1986; the existing Monitoring Cell under the Impact Assessment (IA) Division of the Ministry is transformed into a dedicated and separate "Compliance and Monitoring Division" (CMD), with immediate effect. CMD will function under the broader ambit of IA Division of the Ministry with the following major responsibilities:

- i. Monitoring of the Environment Clearances (EC) granted under the EIA Notification, 2006.
 - ii. Functional auditing of the SEIAA/CZMA and connected matters.
 - iii. Court cases, Parliament matters, VIP References, Public Grievances, RTI matter, and other related issues in connection with the post EC monitoring as well as the Functional audit of SEIAA/CZMA.
2. The CMD will be headed by a Joint Secretary (JS) level officer, with the support of existing manpower of IA-Monitoring Cell and additional manpower as per sanctioned strength from the existing Ministerial staff, till such time new posts as per sanctioned strength get created for this Division.

This issues with the approval of the Competent Authority.


(A. K. Bhattacharyya)
Under Secretary (P.II)
Tele: 011-20819373

Distribution:

1. O/o Minister of EF&CC.
2. O/o MoS of EF&CC.
3. PSO to Secretary, EF&CC/ PPS to DGF&SS.
4. ADG(WL)/ADG(FC)/AS(TK)/AS(RS)/AS(NPG)/AS&FA/Sr. EA.
5. JS(SM)/JS(NP)/JS(SKB)/JS(NKS)/EA(RR)/DDG/All IGFs/All Sd 'G'/CCA/CE(CCU).
6. DS(Admin)/ US(P.II)/ US(P.I)/US(Vig.)/US(IWSU)/APAR Cell.
7. Consultant (IT)/US(IT) for uploading on Ministry's website.
8. F.No.IA-L-11011/68/2022-IA-I.
9. Guard File.