

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)
AT CHENNAI
I.A No.58 of 2023
IN
Original Application No.56 OF 2023

1. BADDAM BHASKER REDDY,
S/o. JANARDHAN REDDY & 3 Others
2-16, Gudatpally Village, R/O Gouravelli
Old Dist: KARIMNAGAR,
New Dist: SIDDIPET,
Pincode: 505467

.... Applicants

-Vs-

1. Union of India Rep. by its Secretary,
Union Ministry of Environment, Forest & CC
Indira Paryavaran Bhavan Jorbagh,
New Delhi-110003.

2. Union of India,
Rep. by its Secretary,
Union Ministry of Jai Sakti Sramasakti Bhavan, New Delhi-110001.

3. Irrigation & CAD Department, Telangana
Rep. by its Principle Secretary J-Block,
6th Floor, Room No :-623, Secretariat Road,
Opp. BRKR Building,
Hyderabad,
Telangana 500022.

4. Central Water Commission (CWC) ,
Rep. by its Chairman,
Sewa Bhavan, R.K. Puram, New Delhi — 110606.


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Special Secretary to Govt.
Irrigation & CAD Department
Telangana Secretariat,
Hyderabad - 500 022

5. Godavari River Management Board,
Rep. by its Member Secretary,
Government of India,
Ministry of Water Resources 5th Floor,
Jalasoudha, ErrumManzil,
Hyderabad, Telangana-500082.

6. District Collector of Siddipet,
ICC Building, Kushal Nagar,
Hyderabad Road Siddipet,
Telangana-502103.

7. Engineer-in-Chief,
O/o. Engineer-in-Chief(A.W),
I & CAD Department,
Jalasoudha Building,
ErrumManzil, Jalasoudha,
First Floor, Hyderabad,
Telangana-500082.

8. Engineer-in-Chief (Projects), Irrigation,
LMD Colony, Kaimnagar,
Telangana-505527.

.... Respondents


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Special Chief Secretary to Government
Irrigation & CAD Department
Telangana Secretariat
Hyderabad - 500022

COUNTER AFFIDAVIT FILED BY THE 3rd RESPONDENT

I, Dr. Rajat Kumar, S/o Late Sri B.K.Sinha, aged about 59 years, Special Chief Secretary, I&CAD Department, Government of Telangana, Hyderabad do hereby solemnly and sincerely affirm and state on oath as follows:

1. I am the Special Chief Secretary to Government I & CAD Department, Government of Telangana, Hyderabad, the 3rd respondent herein.
2. I have read the I.A. filed by the Applicants and deny all the material allegations made therein, except those that are specifically admitted hereunder.
3. At the outset, it is submitted that the petition filed by the complainants is misconceived, not maintainable in law and on facts.

PARAWISE REPLIES

4. **Para 1:** It is contended that the Interlocutory Applicants (hereinafter referred as Applicants) has led the above Application in OA. No. 56 of 2023 (SZ), praying for the following relief:

"...to pass an order permanently injecting the Respondent Authorities from constructing the Gouravelli Reservoir, without resettling the villagers in the affected villages and without obtaining the Environmental Clearance under the EIA Notification 2006 and pass such further or other orders as this Hon'ble' Tribunal may deem fit in the interest of justice."

5. **Reply to Para 1:** It is to submit that, as per the Act, 100% of payment was made towards Land Acquired, Rehabilitation & Resettlement and for Structures to all the PDF's coming under the submergence of 1.410 TMC till 2018. It is also to submit that LA payment also made to the oustees under the submergence of expanded project for 8.23 TMC and for payment of Rehabilitation & Resettlement entitlements to the 185 PDF's in the submergence of expanded project for 8.23 TMC, as per G.O.Ms.No. 44, dated 17-02-2023.



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6. Further, it is to submit that the Government has provided suitable land to an extent of 26 acres and 28 guntas in Sy.No 176 situated at Ramavaram Village of Akkannapet Mandal for construction of Rehabilitation & Resettlement colony to 185 PDFs with basic infrastructure such as Roads, Drains, Electricity arrangements, Drinking water tank, Primary Health Center, Anganwadi Center, School Building, Play ground etc.
7. The Government made payment for Rehabilitation & Resettlement for each of 162 major PDF's @ Rs. 7.50 Lakhs in cash, along with 250 Square Yards plot and Rs. 5.04 Lakhs cash in lieu of 2 BHK House and @ Rs. 5 Lakhs cash along with 250 Square Yards plot for each of 23 unmarried 18+ age PDF's. Accordingly, 100% of above mentioned payments were made to the oustees coming under expansion of Gouravelly Reservoir.
8. Further while taking the above Compensation, the affected people had given consent that they will vacate the place and also will not claim any further compensation in any court of Law. It is also to submit that the oustees coming under 1.410 TMC for which Environmental Clearance was already accorded are completely vacated, after receiving all the entitled compensation in all respects. In addition to Rehabilitation & Resettlement package, shifting and transportation charges were also paid as per the Act as additional benefit on humanitarian grounds. Therefore, the Applicants contention of construction is being made without resettling the villagers in the affected villages is not correct.
9. **Para 2:** It is contended that the Impugned Project, viz. Gouravelli Reservoir of 8.230 TMC, was re-started by the Respondent authorities without obtaining Prior Environmental Clearance under Item 1 (c), in Schedule of EIA Notification, 2006, in December 2022. Therefore, the above Application was filed by the Applicant and Vide order dt. 04.05.2023, this Hon'ble Tribunal was pleased to pass the following Orders



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"...project which requires prior EC and a fresh EC is required for a change of scope, the respondent authorities are carrying on the work, despite the fact that already this Tribunal had specifically directed them not to proceed with the work till such time they apply and obtain the fresh EC. Further, the act of the respondent authorities is utter disregard to the order of this Tribunal Para 9. Therefore, we have no hesitation to pass an order directing the respondent authorities to stop any kind of work, including the patchwork falling within the scope of the project forthwith. Despite this order, if there is any violation found, it will be viewed seriously by this Tribunal..."

10. **Reply to Para 2:** It is to submit that, in obedience with the National green Tribunals order in OA No.180 of 2021 dated 10.02.2022, the Irrigation & CAD Department has entrusted the work of obtaining fresh EC for expansion of Gouravelly Reservoir to M/s EPTRI, Hyderabad and FORM-I was submitted in PARIVESH portal.
- The Form-1 of Terms of Reference (ToR) was submitted to MoEF&CC, New Delhi on PARIVESH portal. Subsequently, the MoEF&CC, New Delhi has conducted the Expert Appraisal Committee (EAC) meeting on 15.06.2022. Subsequently EAC has directed the project proponent to submit the proposal afresh at PARIVESH portal under the appropriate category.
11. Accordingly, the Form-I of Terms of Reference (ToR) in respect of Flood Flow Canal (FFC) Project from Sri Ram Sagar Project (SRSP) with expansion of Gouravelly Reservoir project from 1.410 TMC to 8.23 TMC was submitted on 02-09-2022 to EAC, MoEF&CC at PARIVESH Portal. Due to technical problem in PARIVESH 1.0, uploading of Form 1 was delayed for 3 months.
12. Further, a message was received through EDS on PARIVESH portal from EAC on 07.09.2022 stating that "As per the provisions of the Gazette Notification SO 1886(E) Dated.20.04.02022 the all Irrigation projects having culturable command area more than 2000 Ha are under


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category-B project. Irrigation project involving Inter-state issues shall be appraised at Central level without change in category. General condition of the EIA Notification, 2006 as amended shall apply. Please examine the proposal in light of the above provision and submit the application to the appropriate authority i.e., MoEFCC / SEIAA".

13. It is submitted that based on the above message, the Proposals of Terms of Reference (ToR) in respect of Flood Flow Canal (FFC) Project from Sri Ram Sagar Project (SRSP) were resubmitted to State Environmental Impact Assessment Authority (SEIAA) on 06-12-2022 through PARIVESH Portal.
14. Subsequently, the State Expert Appraisal Committee (SEAC) has scheduled the Terms of Reference (ToR) meeting for the above work on 3rd January 2023. During 210th meeting held on 03.01.2023, a presentation on the project was made before the State Level Expert Appraisal Committee (SEAC) at TSPCB, Paryavaran Bhavan, Sanathnagar, Hyderabad. After detailed discussions, the committee has approved the Terms of Reference (ToR) vide Agenda item No.5 in respect of "Indiramma Flood Flow Canal (FFC) Project from Sri Ram Sagar Project".
15. The Terms of Reference (ToR) for the project was approved by State Level Environment Impact Assessment Authority (SEIM), Hyderabad with public hearing for preparation of EIA & EMP Report as per standard ToR for three seasons. Accordingly the baseline data was collected for two seasons and Post Project Environmental Monitoring (PPEM) for the earlier EC is being carried out from May 2022.
16. Further, as the process of obtaining of EC is in progress and to safeguard the already completed works of Gouravelly Reservoir the project authorities have carried out protection works. However, Pursuant to Hon'ble National Green Tribunal orders, the Project authorities have stopped all kind of works of Gouravelly reservoir.
Therefore, the contention of the applicants is not correct.

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17. **Para 4:** It is contended that without obeying the orders of this Hon'ble Tribunal the authorities continued to build the reservoir of 8.230 TMC size. As a part of the said procedure, the Applicants were specially targeted to be evicted immediately. The Respondent Authorities had not complied to the orders of this Hon'ble Tribunal and the same attracts Section 26 & 28 of the National Green Tribunal Act, 2010.
18. **Reply to Para 4:** It is to submit that, as the process of obtaining of EC for expansion of Gouravelly Reservoir is under progress, the project authorities have carried out protection works to safe guard the already completed works of Gouravelly Reservoir. However, Pursuant to Hon'ble National Green Tribunal orders, the Project authorities have stopped the expansion works of Gouravelly Reservoir.
19. As per the Act, 100% of payment was made towards LA, Rehabilitation & Resettlement and Structures to all the PDF's coming under the submergence of 1.410 TMC till 2018 and later payment towards LA, Rehabilitation & Resettlement and Structures was also made to the oustees under the submergence of expanded project for 8.23 TMC. Most of the villagers have already vacated the submerging villages on receiving the LA and Rehabilitation & Resettlement compensations and the some villagers are reluctant to vacate even after receiving the compensation.
20. Further, due to completion of the most of the earth bund works, from the last few years runoff received through the rains in the Reservoir catchment area, rain water has started accumulating and the water levels were rising. In the ensuing monsoon season, the existing water levels will further raise due to the rains in the catchment area. So, the Government has evicted the remaining villagers who already received compensation, for their safety.

Therefore, the contention of the applicants is not correct.

21. **Para 5:** It is contended that the photographs for non-stoppage of construction works have been annexed herewith, with the newspaper of the date. The same would clearly show that the Authorities had not


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against the Respondent Authorities 3,6,7 and 8 for the offence of non-obedience to this Hon'ble National Green Tribunal's order dt.04.05.2023.

22. **Reply to Para 5:** It is to submit that, pursuant to Hon'ble National Green Tribunal orders, the Project authorities have stopped the expansion works of Gouravelly Reservoir.

Hence, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the I.A and thus render justice

Solemnly affirmed and the contents of this affidavit at Telangana on this the 23rd day of August, 2023 and signed his name in my presence


DEPONENT
Special Chief Secretary to Govt.
Irrigation & CAD Department
Telangana Secretariat,
Hyderabad - 500 022.

Before me,


Advocate, Telangana

VERIFICATION

I, Dr.Rajat Kumar, S/o. Late Sri B.K.Sinha, aged about 59 years, Special Chief Secretary, I & CAD Department, Government of Telangana, Hyderabad, the 3rdrespondent herein, do hereby verify and declare that the contents stated in the above affidavit are true and correct to the best of my knowledge and belief.

DEPONENT
Special Chief Secretary to Govt.
Irrigation & CAD Department
Telangana Secretariat,
Hyderabad - 500 022.

Date: 23rd of August 2023

Place: Hyderabad

A. Sanjeev Kumar,

Special Government Pleader



H. Yasmeen Ali

Counsel for the State of Telangana.

