

BEFORE THE NATIONAL GREEN TRIBUNAL  
(SOUTHERN ZONE) CHENNAI

ORIGINAL APPLICATION No. 80 OF 2024  
(Earlier O.A. No. 763 of 2023 (PB))

In the matter of:

Geddam Haranadha Rao Achari

..... Applicant

Versus

Central Pollution Control Board  
Rep. by its Regional Director,  
Chennai and Others.

.....Respondent(s)

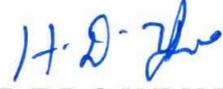
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Place: Chennai

Date:28.05.2024



  
**DEPONENT**  
**H.D. VARALAXMI**, M.Tech  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
(MoEF & CC, Govt. of India)  
Regional Directorate (Chennai)  
2nd Floor, 77-A, South Avenue Road,  
Chettur Industrial Estate, Chennai - 600 058

**BEFORE THE NATIONAL GREEN TRIBUNAL  
(SOUTHERN ZONE) CHENNAI**

**ORIGINAL APPLICATION No. 80 OF 2024  
(Earlier O.A. No. 763 of 2023 (PB))**

**In the matter of:**

Geddam Haranadha Rao Achari

..... Applicant

Versus

Central Pollution Control Board  
Rep. by its Regional Director,  
Chennai and Ors.

.....Respondent(s)

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 1**  
**CENTRAL POLLUTION CONTROL BOARD**

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 55 years currently working as Scientist 'E' in Central Pollution Control Board, Regional Directorate-Chennai, 2<sup>nd</sup> Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm, declare on oath and sincerely state as under: -

1. That it is humbly submitted that I am presently working as Scientist 'E' & holding charge of Regional Director (Chennai), Central Pollution Control Board (hereafter referred to as "CPCB") have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorised to submit this reply on behalf of Respondent No. 1.



*H. D. Varalaxmi*  
**H.D. VARALAXMI**, M.Tech  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
(MoEF & CC, Govt of India)  
Regional Directorate (Chennai)  
2nd Floor, 77-A, South Avenue Road,  
Ambattur Industrial Estate, Chennai - 600 058

2. That the Original Application No. 763 of 2023 has been registered based on the email received from Sh. Geddam Haranadha Rao Achari, Editor, Manneseema, resident of N.N.Colony, Deevara, Karlemm, Kotturu, Srikakulam District, Andhra Pradesh in the Hon'ble National Green Tribunal, Principal Bench, Delhi and the said OA was transferred to Hon'ble NGT (SZ) Chennai Bench vide order dated 22/01/2024. Further the case was renumbered as OA NO. 80/2024 in the National Green Tribunal, Southern Zone, Chennai.
3. That CPCB is a statutory Board which has been constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions assigned to it under The Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as Water Act, 1974), The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as Air Act, 1981) and The Environment (Protection) Act, 1986.
4. That the Hon'ble National Green Tribunal, Principal Bench vide order dated 22/01/2024 directed as follows:

*“In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Collector, Srikakulam, Andhra Pradesh State Pollution Control Board and CPCB and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The APPCB will be the nodal agency for coordination and compliance.”*
5. The committee report submitted to Hon'ble Tribunal is attached as **Annexure 1** for ready reference.



*H.D. Varalaxmi*  
**H.D. VARALAXMI**, M.Tech  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
(MoEF & CC, Govt of India)  
Regional Directorate (Chennai)  
2nd Floor, 77-A, South Avenue Road,  
Ambattur Industrial Estate, Chennai - 600 058

6. This answering Respondent further craves leave of this Hon'ble Tribunal to file further reply, if required, in future.
7. In view of the above submissions, it is respectfully prayed that this answering Respondent, CPCB, shall abide by any orders or directions passed by this Hon'ble Tribunal.

  
**DEPONENT**  
**H.D. VARALAXMI**, M.Tech  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
(MoEF & CC. Govt. of India)  
Regional Directorate (Chennai)  
2nd Floor, 77-A, South Avenue Road,  
Ambattur Industrial Estate, Chennai - 600 058

**VERIFICATION**

I, H.D. Varalaxmi, the deponent do verify that the contents of this reply Affidavit are true and correct to the best of my knowledge and belief, based on the official records of the case and nothing has been concealed therein.

Signed and verified at Chennai on this the 28<sup>th</sup> day of May, 2024.



**Counsel for the Respondent No.1**



  
**DEPONENT**  
**H.D. VARALAXMI**, M.Tech  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
(MoEF & CC. Govt. of India)  
Regional Directorate (Chennai)  
2nd Floor, 77-A, South Avenue Road,  
Ambattur Industrial Estate, Chennai - 600 058

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

OA No 763 OF 2023 (PB)

In

OA No 80 OF 2024 (SZ)

IN THE MATTER OF:

GEDDAM HARANADHA RAO ACHARI

Vs

STATE OF ANDHRA PRADESH & Ors

.....Applicant

.....Respondents

**JOINT COMMITTEE REPORT**

DATE- 25- 05- 2024



**M/s MADHURI DONTI REDDY  
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD**

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai -600094.  
Mobile: 98407 98460 / 63831 21322, Email: [reddymadhuri09@gmail.com](mailto:reddymadhuri09@gmail.com)

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

In Original Application No.763 of 2023 (PB)

In Original Application No. 80 of 2024 (SZ)

Geddam Haranadha Rao Achari .....Applicant(s)

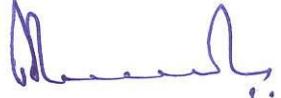
Versus

State of Andhra Pradesh & Ors ..... Respondent(s)

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Date: 17.05.2024,  
Place: Srikakulam.

  
 Environmental Engineer  
 APPCB, Regional Office,  
 Srikakulam

**Joint Committee report submitted to the Hon'ble NGT (SZ), Chennai in OA No. 80 of 2024 in earlier OA No. 763 of 2023 (PB) in the matter "Geddam Haranadha Rao Achari Versus State of Andhra Pradesh and others"**

## **1. Background**

The Original Application No. 763 of 2023 was registered at the Hon'ble NGT, Principle Bench, New Delhi based on the email received from Sh. Geddam HaranadhaRao Achari, Editor, Manneseema, resident of N.N.colony, Deevara, Karlemm, Kotturu, Srikakulam, Andhra Pradesh.

In the letter petition, it is enumerated that mining sand carried out by M/s Jayaprakash Ventures in Vamsadhra river bed at Nivagam Village, Srikakulam, Andhra Pradesh has depleted the ground water level, damaged the bridge connecting Nivagam and Mathala Villages and damaged the embankment built to prevent floods.

The Hon'ble NGT, Principle Bench heard the case OA No. 763 of 2023 on 22/01/2024 and directed the following:

*"In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Collector, Srikakulam, Andhra Pradesh State Pollution Control Board and CPCB and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The APPCB will be the nodal agency for coordination and compliance."*

The copy of the order dated 22/01/2024 in OA 763 of 2023 (PB) is enclosed as Annexure-II.

Further, the matter was transferred to the Hon'ble NGT, Southern Bench, Chennai and the case is renumbered as OA No 80 of 2024 in the Hon'ble NGT, Southern Bench, Chennai. The copy of the order dated 25/03/2024 in OA No 80 of 2024 (SZ) is enclosed as Annexure-III.

## **2. Formation of the Joint Committee**

In compliance to the Hon'ble NGT directions, the Joint Committee is constituted with following members:

1. Sh. M Ganapathi Rao, District Revenue Officer, Srikakulam (as nominated by the District Collector).
2. Smt. Sowmya. D, Scientist E, Central Pollution Control Board, Regional Directorate, Chennai.
3. Sh. A Ramarao Naidu, Environmental Engineer, APPCB, Regional Office, Srikakulam.

### **3. Joint Committee Site Inspection**

In compliance to the Hon'ble NGT directions, the Nodal Agency APPCB informed the Applicant and the Project Proponent M/s Jayaprakash Ventures to associate during the Joint Committee inspection on 14/03/2024. The applicant Sh. Geddam Haranadha Rao Achari, Manneseema, Kotturu, Srikakulam was present during the inspection and showed the locations of sand mining mentioned in Application. The Project Proponent M/s Jayaprakash Ventures has neither responded nor associated with the Joint Committee during the inspection.

Based on the suggestion of the Joint Committee members, following officials were also associated with the Joint Committee during the inspection:

1. Sri. MVV Prasad, Thasilidhar, Kotturu Mandal, Srikakulam District.
2. Sri. N.Satyanarayana, Deputy Thasilidhar, Kotturu Mandal, Srikakulam District.
3. Sri. K.Manikyalarao, Royalty Inspector (RI), District Mines & Geology Department, Srikakulam.
4. Sri. A.Siva Ramkrishna, AE, Irrigation Department, Kotturu (M), Srikakulam District.
5. Smt. K.B Priyanka, VRO, Nivagam (V), Kotturu (M), Srikakulam District.
6. Sri. G.Mahesh, Village Suryor, Nivagam (V), Kotturu (M), Srikakulam District.

The Joint Committee visited the following locations on 14/03/2024 at Vamsadhra riverbed at Nivagam Village, Srikakulam, Andhra Pradesh:

1. Sand mining locations near bridge connecting Nivagam and Mathala Villages
2. Embankment built to prevent floods at Nivagam Village
3. Ongoing Sand mining location at Anguru (18.7566719<sup>0</sup> N, 83.978512<sup>0</sup> E) as informed by the Applicant during inspection

#### **4. Site Observations by the Joint Committee w.r.t Averments made by the Applicant**

Based on the inspection with reference to the averments outlined in the application, pointwise observation/factual position are provided for each averment as follows:

##### **Observation w.r.t. Averment -1**

###### **4.1 Averment -1:**

*M/s Jayaprakash Ventures has been mining sand in the Vamsadhra riverbed at Nivagam Village for the past few years with the permission of the state government.*

##### **Factual Position:**

The Joint Committee requested the Mines & Geology Department, Andhra Pradesh to furnish details of the sand mining reaches in Nivagam Village, Srikakulam District and also the Environmental Clearance issued by SEIAA and the mine lease/work orders issued related to sand reaches in Nivagam. As per the records furnished by District Mines & Geology, Srikakulam, Environmental Clearance to Nivagam Sand Reach was issued by SEIAA, Andhra Pradesh on 19/02/2020 and extended its validity up to 24/08/2022. The Nivagam – 1 Sand Reach was handed over to M/s Jayaprakash Ventures for sand mining vide order dated 25/02/2022 valid upto 22/08/2022. The copy of the information furnished by District Mines and Geology, Srikakulam is enclosed as Annexure IV.

During the inspection, the Applicant showed the locations of sand mining to the Joint Committee at Nivagam Village near the bridge connecting Nivagam and Mathala Villages. During the inspection, sand mining was not in operation at the location and the Applicant informed that sand mining at the location was stopped a few months back. On observing the physical characteristics of river bed at the location, it was observed that the physical remnants of earlier semi mechanized sand mining operations carried out were existing at two locations namely Location-1 at 18.787472<sup>0</sup> N and 83.94598<sup>0</sup> E and Location-2 at 18.78705<sup>0</sup> N and 83.944058<sup>0</sup> E, near downstream of the bridge. The sand mining Location-1 is at a distance of 350 m from the bridge and Location -2 is at a distance of 140 m from the bridge in the downstream.

The google map showing location of Nivagam Sand reach identified by District Mines & Geology, Srikakulam for mining, locations of physical remnants of earlier sand mining operations, bridge and embankment are enclosed as Figure 1.



Figure 1: Google image shows location of Nivagam Sand reach identified by District Mines & Geology, locations of physical remnants of earlier sand mining operations, bridge and embankment

It is evident from the physical characteristic of the river bed and geocoordinates of the mining locations that sand mining was carried out beyond the identified/permitted sand mining reaches. The geographic coordinates of the locations of the remnants of sand mining shows that sand mining was carried within 140 m and 350 m from Nivagam – Mathala bridge at the downstream violating the Sustainable Sand Mining Guidelines, 2016 issued by MoEF&CC and Environmental Clearance issued by SEIAA. The details of period of sand mining carried out by M/s Jayaprakash Ventures at the locations were not available to the Joint Committee. The photographs of sand mining locations at Nivagam are enclosed as Annexure-I.

During the visit, as insisted by the Applicant, ongoing sand mining location at Anguru (18.7566719° N, 83.978512° E) was inspected. During the inspection, one JCB was at the location and sand was stocked on the river bank indicating semi mechanised mining was in progress. People involved in mining or operators of JCB were not present at the location.

#### **Observation w.r.t. Averment -2**

**4.2 Averment -2:** *Ground water is coming up and flowing into the river. Agricultural pump sets are not getting water. Around 50 agricultural pump sets in the river basin have been shut down due to water logging. At present not even a single crop is getting water, and underground water is almost gone.*

**Factual Position:**

The Joint Committee requested District Ground Water Office, Ground Water and Water Audit Department, Srikakulam to furnish the status of ground water level in Nivagam village. The details of status of ground water level received from Ground Water and Water Audit Department is enclosed as Annexure V.

As per the records furnished by the District Ground Water Office, Ground Water and Water Audit Department, Srikakulam, the observation well is situated at about 8km from the Nivagam sand reach at Kothuru Mandal Headquarters, with geo-coordinates: 18°46'37.3"N 83°52'24.8"E. Analysis of the historical water level data and rainfall for the period June 2002 to May 2023 and Composite Hydrograph indicates that water levels correlate with rainfall patterns. The Composite Hydrograph of Kotturu Piezometer from June 2002 to May2023 is at Figure 2. It is apparent from the graph that there is a decreasing trend in water levels of approximately 2 meters in consonance with the declining rainfall trend.

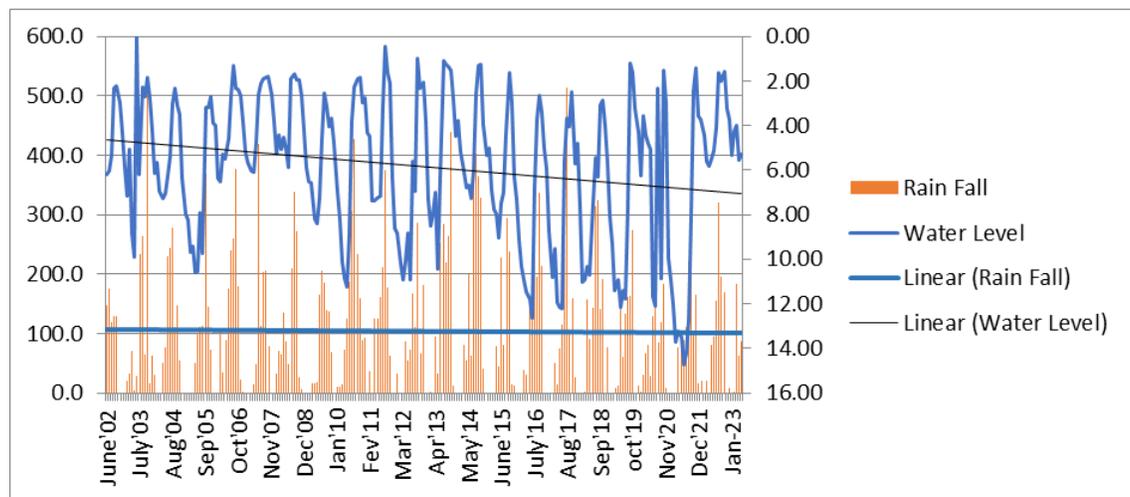


Figure 2: Composite Hydrograph of Kotturu Piezometer from June 2002 to May2023

**Observation w.r.t. Averment -3**

**4.3 Averment -3:** *The internal structural pillars of the bridge are exposed and damaged due to sand being dug to a depth of several thousand meters in the Vamsadhra river bed very close to the bridge against.*

**Factual Position:**

During the Joint Committee inspection, it was observed that out of ten pillars of Nivagam – Mathala bridge, well cap of five pillars were exposed. The Joint Committee requested Road and Buildings Department, Srikakulam Circle to furnish the status of Nivagam – Mathala bridge. The details of status of Nivagam – Mathala bridge furnished by Superintending Engineer, Road and Buildings Circle, Srikakulam is enclosed as Annexure VI. As per the records furnished by the Road and Buildings Circle, Srikakulam, the status of Nivagam – Mathala bridge is as follow:

*“the Nivagam – Mathala high level bridge was constructed in the year 2003 and it is catering the needs of the people of both the states Andhra Pradesh and Odisha since then. The Bridge foundations are restored with well foundations and terminated at various depths ranging from 10 meters to 22 meters from the bed level of the River and the superstructure is made with prestressed post tensioned concrete.*

*The petitioner in his OA referred to the exposed pillars due to sand being dug at deeper depths. In fact, the exposed part of the well cap at the river bed is the false steining which is cast for the purpose of concreting well cap in dry condition. It doesn't have any structural importance and not at all be considered to be exposed. As of now the bridge is intact and there are no signs of damages to any of the structural members. But it is advised not to take up sand mining at a minimum distance of 500 meters on either upstream or downstream side of the bridge which results in river meandering. Due to illegal and unscientific sand mining the river changes its coarse and entire flow will be concentrated on a particular portion of the bridge and the piers may experience the trust for which they were not designed. Hence the practice of sand mining near the bridge location is not at all advised.”*

The photographs of the Nivagam – Mathala bridge are enclosed as Annexure-I.

**Observation w.r.t. Averment -4**

**4.4 Averment -4:** *The embankment (flood bank) built on the river was converted into a sand transport road by the sand transporters. The embankment is getting damaged and shrinking due to the coming and going of hundreds of lorries loaded with sand every day. In the future if the flow of Vamsadhra river increases, the flood water will cross in the embankment has been completely destroyed due to sand transport.*

**Factual Position:**

During the Joint Committee inspection, it was observed that unauthorized ramp/track is constructed across the embankment and used by the sand mining vehicles as a shortcut to reach approach road. The continuous use of such track across the embankment may damage the embankment .

The Joint Committee requested Road and Buildings Department, Srikakulam Circle to furnish the status of embankment . The details of status of embankment furnished by Superintending Engineer, Road and Buildings Circle, Srikakulam is enclosed as Annexure VI. As per the records furnished, the embankment s that are constructed on upstream and downstream sides of the bridge are to be strengthened and unauthorised tracks which are used by the sand mining vehicles which may endanger the inundation of the nearby villages during floods. The photographs of the unauthorized ramp/track across the embankment are enclosed as Annexure-I.

**5. Conclusion based on the observations during inspection**

Following are the conclusions based on the observations during the Joint Committee inspection:

1. Sand mining was not in operation at Nivagam Sand Reach during the inspection and the Applicant informed that sand mining at the location was stopped a few months back.
2. From the physical characteristic of the river bed, it was evident that semi-mechanized sand mining was carried out at two locations near Nivagam – Mathala bridge at the downstream.
3. The geographic coordinates of the locations of the remnants of sand mining shows that sand mining was carried within 140 m and 350 m from Nivagam – Mathala bridge at the downstream violating the Sustainable Sand Mining Guidelines, 2016 issued by MoEF&CC and Environmental Clearance issued by SEIAA.
4. It is evident from the geocoordinates of the mining locations that sand mining was carried out beyond the identified/permitted sand mining reaches.
5. The details of period of sand mining carried out by M/s Jayaprakash Ventures at the locations were not available to the Joint Committee.
6. During the visit, semi mechanised sand mining was in progress at Anguru. People involved in mining or operators of JCB were not present at the location.
7. As per the records furnished by the District Ground Water Office, Ground Water and Water Audit Department, Srikakulam, it is apparent that there is a decreasing trend in

water levels of approximately 2 meters in consonance with the declining rainfall trend.

8. As per the records furnished by the Road and Buildings Department, Srikakulam Circle, the bridge is intact and there are no signs of damages to any of the structural members. The exposed part of the well cap doesn't have any structural importance and not to be considered as exposed.
9. Measures shall be implemented to ensure sand mining shall not be carried out at a minimum distance of 500 meters on either upstream or downstream side of the bridge as it results in river meandering.
10. Due to illegal and unscientific sand mining the river changes its coarse and entire flow will be concentrated on a particular portion of the bridge and the piers may experience the trust for which they were not designed. Hence the practice of sand mining near the bridge location shall be prohibited.
11. The unauthorized ramp/track is constructed across the embankment and used by the sand mining vehicles as a shortcut to reach approach road. The continuous use of such track across the embankment may damage the embankment .
12. The embankment s that are constructed on upstream and downstream sides of the bridge are to be strengthened.

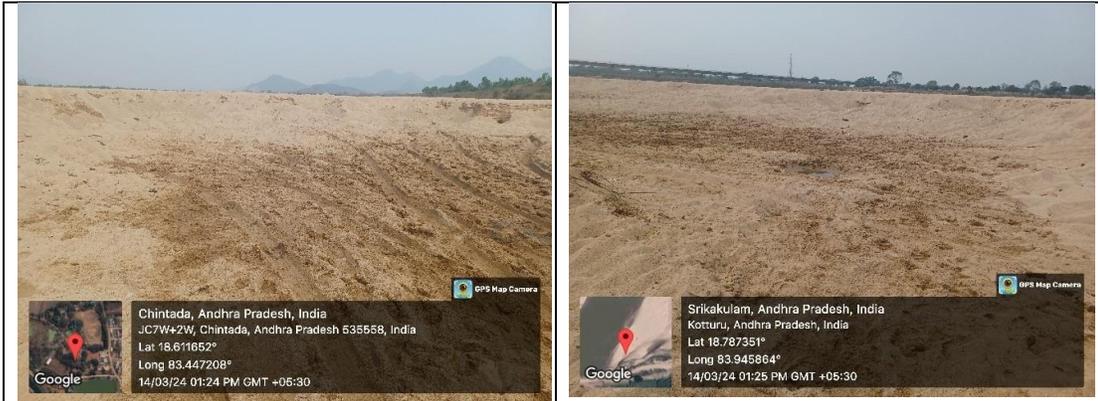
1. Sh. M Ganapathi Rao  
District Revenue Officer  
Srikakulam

2. Smt. Sowmya D  
Scientist E  
Central Pollution Control Board  
Regional Directorate, Chennai

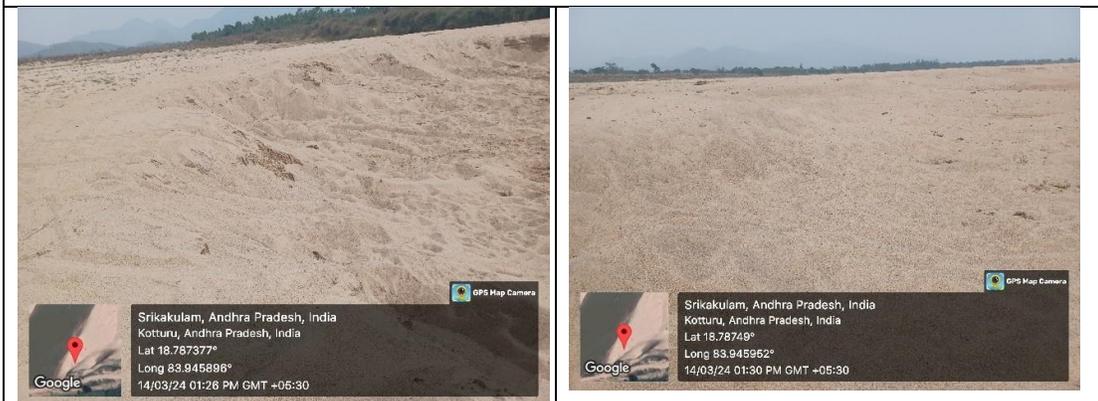
3. Shri. A Ramarao Naidu  
Environmental Engineer  
Andhra Pradesh Pollution Control Board  
Regional Office, Srikakulam.

Annexure I

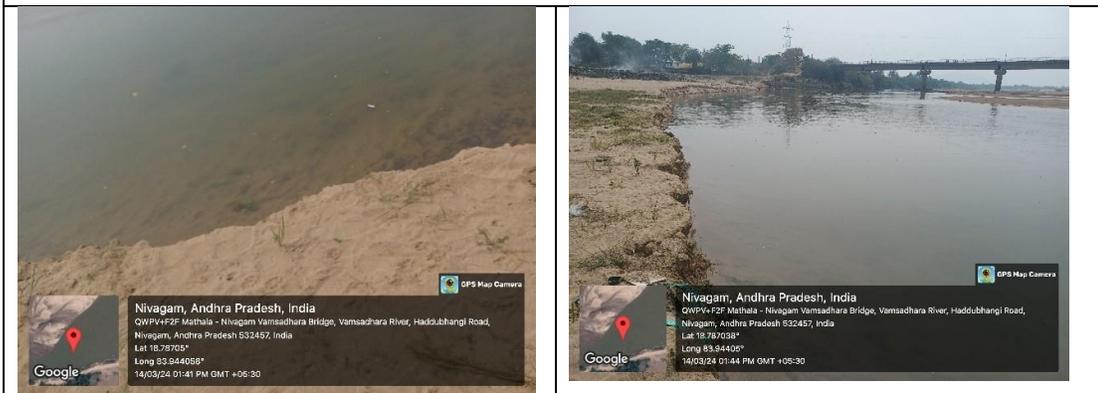
Photographs Taken During the Inspection



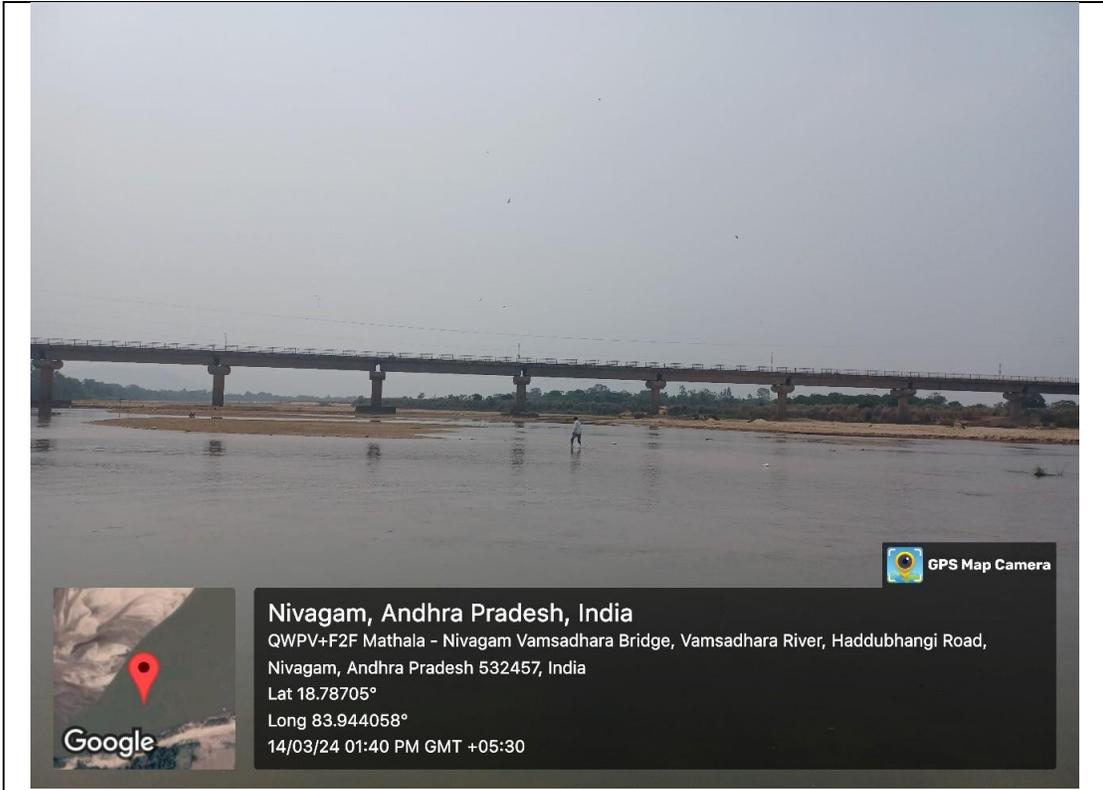
Physical remnants of earlier sand mining operations carried out at Location-1



Physical remnants of earlier sand mining operations carried out at Location-1



Physical remnants of earlier sand mining operations carried out at Location-2



Nivagam – Mathala bridge



Exposed part of the well cap at Nivagam – Mathala bridge



Embankment built to prevent floods at Nivagam Village



Ramp/Track across Embankment for sand transportation



Ongoing Sand mining location at Anguru

Item No.5

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 763/2023

Geddam Haranadha Rao Achari

...Applicant

Versus

State of Andhra Pradesh &amp; Ors.

...Respondents

Date of hearing: 22.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the Applicant.

**Application is registered based on a complaint received by Email.**

**ORDER**

1. Mr. Geddam HaranadhaRao Achari, Editor, Manneseema, resident of N.N.colony, Deevara (Street), Karlemma (Panchayathi), Kotturu (Mandal), Srikakulam (Dist), Andhra Pradesh (State) has sent by email the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 763/2023.

2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

*“Subject: To prevent and take action against Illegal mining sand in Nivagam village Vamsadhara riverbed, Srikakulam District, Kotturu mandal, Andhra Pradesh.*

-2-

*Respected Sir: Jayaprakash Ventures has been mining sand in the vamsadhra riverbed at Nivagam Village for the past few years with the permission of the state government. According to the regulations, ground water is coming up and flowing into the river. Agricultural pump sets are not getting water. Around 50 agricultural pump sets in the river basin have been shut down due to water logging. Families dependent on agriculture were left on the road. Before sand mining, farmers used to irrigation in Rabi and Kharif seasons through the agricultural pump sets, At present not even a single crop is getting water, and underground water is almost gone.*

*A bridge was constructed in 2003 between the villages of Nivagam and matala over the Vamsadhara river on the border connecting the states Odisha and Andhra Pradesh. After the construction of the bridge, transport system between the two states has improved. Exports and imports of agricultural products, transportation of essential goods and travel facilities have improved a lot. The livelihood of several lakh families of both the states depend on this bridge.*

*The internal structural pillars of the bridge are exposed and damaged due to sand being dug to a depth of several thousand meters in the Vamsadhra river bed very close to the bridge against. If these Excavations continue, the pillars of the bridge will be damaged and there is a danger of the bridge collapsing.*

*In 1980 the Vamsadhra River flooded inundating several hundred river basin villages later. The central and state governments took up the construction of dykes (flood banks) on the Vamsadhara river in the surrounding areas of Nivagam village. since then the people of the river basin have been living without fear. To day since the beginning of sand mining, people are continuing to live a miserable life. The embankment (flood bank) built on the river was converted into a sand transport road by the sand transporters. The embankment is getting damaged and shrinking due to the coming and going of hundreds of lorries loaded with sand every day. In the future if the flow of Vamsadhra river increases, the flood water will*

*cross in the embankment has been completely destroyed due to sand transport.....”*

3. *Prima facie* the averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Collector, Srikakulam, Andhra Pradesh State Pollution Control Board and CPCB and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The APPCB will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 19.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

O.A.No.763/2023 Geddam Haranadha Rao Achari Vs. State of A.P. & Ors.

-4-

7. Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be forwarded by email to the Collector, Srikakulam, Andhra Pradesh State Pollution Control Board and CPCB for requisite compliance

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 22<sup>th</sup>, 2024  
ag

**Item No.29:-**

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

(Through Video Conference)

**Original Application No.80of 2024(SZ)**

[Earlier O.A. No. 763 of 2023(PB)LP]

**IN THE MATTER OF:**

Geddam Haranadha Rao Achari.

...Applicant(s)

*Versus*

Central Pollution Control Board and Ors.

...Respondent(s)

**Date of hearing: 25.03.2024.**

**CORAM:**

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

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

For Applicant(s):           None.

For Respondent(s):       Mrs. Madhuri Donti Reddy for R2 & R3.

**ORDER**

1. The above case has been Suo Motu registered by the Principal Bench of the National Green Tribunal, New Delhi as Original Application No.763 of 2023 (PB) based on the complaint received from one Mr. Geddam Haranadha Rao Achari which has been transferred to this Bench and renumbered as Original Application No.80 of 2024 (SZ).
2. Today, there is no representation for the applicant. Let notice be issued to the applicant as well as to the respondents through the Tribunal.
3. The learned counsel Mrs. Madhuri Donti Reddy accepts notice on behalf of Respondents No.2 and 3.
4. The learned counsel appearing for the appropriate authorities is directed to take the papers from the Registry and file a report before the next date of hearing.
5. Post the matter on **29.05.2024**.

**Sd/-**

**Smt. Justice Pushpa Sathyanarayana, JM**

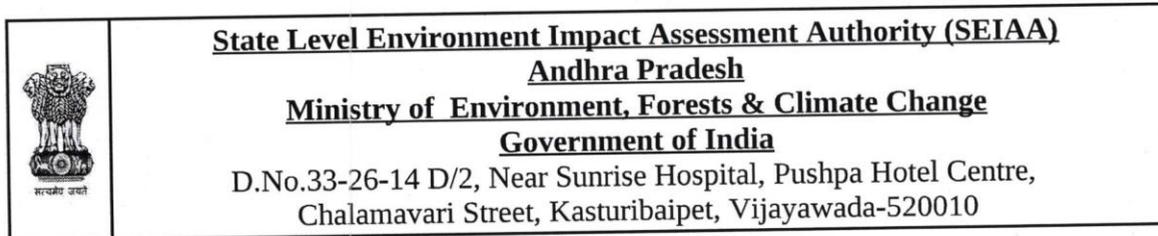
**Sd/-**

**Dr. Satyagopal Korlapati, EM**

**O.A. No.80/2024(SZ)  
25<sup>th</sup> March, 2024. Mn.**

The joint committee (DRO, CPCB & APPCB) requested to submit the following information immediately so as to submit the report to Hon'ble NGT:		
Sl No	Question	Remarks
1	Details of sand mining reaches identified as per district sand mining plan in the villages mentioned in OA 763 of 2023.	Nivagam Sand Reach
2	Details of EC, CFO CFE obtained for sand mining in the river and village mentioned in application from August 2022.	NO
3	Any workorders/ documents issued for sand mining in the village and river since August 2022.	No
4	Details of sand mining carried out, locations and quantity extracted in village and river mentioned since August 2022.	No
5	KML files of sand mining reaches identified.	-
6	Any earlier EC obtained for sand mining in the village and river.	SIAA/AP/MIN/184600/2020-926 dated 19.12.2020, thereby ammended vide SEIAA/ AP/SKLM/MIN/Sand/amendment/2020 dated 08.11.2021 and extention order issued vide order SEIAA/AP/SKLM/MIN/12/2020/176.90/173.57 25/02/2022 Date: 25.02.2022 upto 24.08.2022. ( Ecs enclosed)
7	Earlier workorders issued to M/s Jayaprakash Ventures for sand mining in Vamsadhra River at Nivagam Village.	Nivagam -1 Sand Reach was Handed over to M/s Jayaprakash Ventures vide order SEIAA/ AP/SKLM/MIN/12/2020/176.90/173.57 25/02/2022 Date: 25.02.2022 upto 24.08.2022. ( Ecs enclosed)

*S.K.V. Sivaneyan*  
District Mines and Geology Officer  
Srikakulam



REGD.POST WITH ACK.DUE

Order No. SEIAA/AP/SKLM/MIN/12/2020/176.90/173.57

25/02/2022

**Sub: SEIAA, A.P. - 4.81 Ha. Ordinary Sand Mine, Nivagam Sand Reach at Nivagam Village, Kothuru Mandal, Srikakulam District, Andhra Pradesh – Extension of validity of Environmental Clearance – Issued - Reg.**

**Ref:**

1. EC order No.SEIAA/AP/SKLM/MIN/184600/2020-926, dt.19.12.2020.
2. Order No. SEIAA/AP/SKLM/Sand Amendment/2020, dt.08.11.2021.
3. Proponent request letter dated 16.12.2021 through online (SIA/AP/MIN/245437/2021).

- I. The SEIAA, AP had issued Environmental Clearance vide reference 1<sup>st</sup> cited for the 4.81 Ha. Ordinary Sand Mine, Nivagam Sand Reach at Nivagam Village, Kothuru Mandal, Srikakulam District, Andhra Pradesh with production capacity of Sand Mine – 48,105 m<sup>3</sup>/Annum. Life of Mine valid up to 18.12.2021 and issued amendment vide reference 2<sup>nd</sup> cited.
- II. The proponent vide reference 3<sup>rd</sup> cited requested the SEIAA to extend the validity period of EC order.
- III. Accordingly, the request of the proponent was examined by the State level Expert Appraisal Committee (SEAC) in its meetings held on **22.01.2022**.

M/s. Jai Prakash Power Ventures Limited, Srikakulam, in Andhra Pradesh has requested for the Environmental Clearance to operate through semi-mechanized method for sand mining as the modified Mining Plan was approved as "*The thickness of sand is above 3 meters in the Sand Reaches as reported by the Asst. Director of Mines & Geology. The reach shall be proposed to be operated through Semi mechanized mode*".

The Committee noted that MoEF&CC, GoI, New Delhi issued Notification vide S.O.No.141 dt:15.01.2016.

For sand mining the District Survey Report is to be prepared as per the prescribed procedure for sand mining or river bed mining and mining of other minor minerals is given in Appendix-X of as per the S.O.No.141 dt:15.01.2016.

The MoEF&CC, GoI, New Delhi issued guidelines in 2016 for sand mining "*Sustainable Sand Mining Management Guidelines, 2016*" and stated that for Identification and preparation of Mining Sites- (i) Mining should be done only in area / stretch identified in the District Level Survey Report suitable for mining and so certified by the Sub Divisional Level Committee after site visit. (ii) Mining should begin only after pucca pillar marking the boundary of lease area is erected at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the District Level Committee.

The Hon'ble NGT, Southern Zone, Chennai in the matter of O.A.No.47 of 2016(SZ) & 177 of 2016(SZ), Order dated:14.12.2020 issued directions. *The State of Andhra Pradesh must scrupulously follow the directions issued by the Principal Bench recently in ANUMOLU*

*GANDHI VS. STATE OF A.P (O.A.935/2018 dated 24.8.2020) and also the guidelines provided by the MoEF&CC in Sustainable Sand Mining Management Guidelines, 2016 Enforcement and Monitoring Guidelines for Sand Mining issued in January, 2020 while undertaking such process.*

Now, **M/s. Jai Prakash Power Ventures Limited, Srikakulam District** in Andhra Pradesh has furnished the District Survey Report prepared by the Andhra Pradesh Space Application Centre (APSAC), Modified Mining Plan with other documents and requested for the Extension of EC to operate through semi-mechanized method for sand mining. The representative of the project proponent of **M/s. Jai Prakash Power Ventures Limited, Srikakulam** and their RQP, Sri. P Vijay Kumar have attended the meeting and submitted the District Survey Report and Modified Mining Plan.

The SEIAA issued EC order on 19.12.2020 for Mining of Sand – 48,105 m<sup>3</sup>/ annum in 4.81 Ha. ordinary sand mine, Nivagam Sand Reach at Nivagam Village, Kothuru Mandal, Srikakulam District, Andhra Pradesh for a period of one year i.e.upto 18.12.2021. The Committee after detailed deliberations, recommended for issue of Environmental Clearance Amendment for mining of ordinary sand of quantity 48,105 m<sup>3</sup> for a period upto 18.12.2021 through Semi-Mechanized Method, in an area of 4.81 Ha. at Nivagam Sand Reach at Nivagam Village, Kothuru Mandal, Srikakulam District, Andhra Pradesh. Further, the SEIAA issued EC (Amendment) order on 08.11.2021, that Mining of ordinary sand of quantity 48,105 m<sup>3</sup> for a period upto 18.12.2021 through Semi-Mechanized Method, in an area of 4.81 Ha. at Nivagam Sand Reach at Nivagam Village, Kothuru Mandal, Srikakulam District, Andhra Pradesh. The representative of the project proponent of **M/s. Jai Prakash Power Ventures Limited, Srikakulam** RQP and Sri. P. Vijaya Kumar have attended the meeting. The Committee noted that as per the transfer letter issued by the Deputy Director of Mines & Geology, **Srikakulam**, vide Letter No.26/Sand/2019, dated: 13.12.2021 that extension of time by a further period of six months and transfer of mining plans in the name of M/s. Jai Prakash Power Ventures Limited. The project falls under B2 category as per the MoEF&CC Notification No. S.O.2269(E),dated 1st July, 2016. The Committee after examining the project proposals, presentations, MoEF&CC' Notifications & OMs and detailed deliberations, **recommended for issue of Extension of EC for further period of six months with balance mining quantity of 37,302 m<sup>3</sup>/annum.** The proponent volunteered to allocate funds at least 10% of the project cost for providing amenities to the local school / PHCs and development of village roads in the **Nivagam** Village as a part of Corporate Social Responsibility (CSR) activity.

The committee recommended the EC for the above sand reaches without prejudice to the directions issued by the Honb'le NGT, Southern Zone, Chennai in O.A.No. 187 of 2021 (SZ).duly stipulating the following conditions:

- a. There shall be no change in the production quantities approved in this Environment Clearance orders.
- b. All the conditions and guidelines issued by MoEF&CC, Govt of India (2016) in respect of sand mining shall be followed.
- c. The directions issued by the Honb'le NGT, Southern Zone, Chennai in the matter of O.A.No. 47 of 2016 (SZ) & 177 of 2016 (SZ), Order dated :14.12.2020 shall be scrupulously followed.
- d. The boundary pillars shall be erected with geo co-ordinates marked on them.
- e. No sand mining shall be done during the rainy season.
- f. The ramp ( i.e., approach road) shall be removed after sand mining is completed.

- g. The standard environmental conditions for sand mining specified in the Sustainable Sand Mining Guidelines, issued by MoEF&CC, Govt of India, 2016 shall be followed.
- IV. The State Level Environment Impact Assessment Authority (SEIAA), in its meeting held on **18.02.2022** examined the proposal and the decided to Extend EC for further period of six months.
- V. The SEIAA, A.P, is hereby extends the validity period of the EC order issued vide Order No. SEIAA/AP/SKLM/MIN/184600/2020-926, dt.19.12.2020 **for issue of Extension of EC for further period of six months with balance mining quantity of 37,302 m<sup>3</sup>/annum.**
- VI. All other information mentioned and conditions stipulated in the EC order issued vide reference 1<sup>st</sup> & 2<sup>nd</sup> cited remain the same.

Special Secretary To

Govt

**MEMBER SECRETARY,  
SEIAA, A.P.**

**MEMBER,  
SEIAA, A.P.**

**CHAIRMAN,  
SEIAA, A.P.**

To

M/s.Jaiprakash Power Ventures Limited,  
2<sup>nd</sup> Floor, 40-14-7, Chandra Mouli Puram,  
Benz Circle, Vijayawada,  
Krishna District-520010

Copy to:

1. The Chairman, SEAC, A.P. for kind information.
2. The Member Secretary, APPCB for kind information.
3. The EE, RO: Srikakulam, APPCB for information.
4. The Regional Officer, MoEF&CC, GoI Vijayawada for kind information.
5. The Secretary, MoEF&CC, GoI, New Delhi for kind information.
6. Monitoring cell, MoEF&CC, GoI, New Delhi for kind information.

Email

Sowmya D

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**Fwd: APPCB-RO-SKLM-Joint committee (DRO, CPCB & APPCB) requested to submit the following information immediately-Reg.**

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**From :** EE,RO Srikakulam <roskm-ee1@appcb.gov.in> Fri, Mar 15, 2024 10:37 AM  
**Subject :** Fwd: APPCB-RO-SKLM-Joint committee (DRO, CPCB & APPCB) requested to submit the following information immediately-Reg. 1 attachment  
**To :** Sowmya D <sowmyad.cpcb@nic.in>

Forwarded

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**From:** ddgwdskl@gmail.com  
**To:** "EE,RO Srikakulam" <roskm-ee1@appcb.gov.in>  
**Sent:** Thursday, March 14, 2024 4:46:02 PM  
**Subject:** Re: APPCB-RO-SKLM-Joint committee (DRO, CPCB & APPCB) requested to submit the following information immediately-Reg.

Sir,

Regarding Points 1 & 2: The data concerning the number of pumps in Vamsadhara River, Nivagam village, their operational status, details of water logging, and pump shutdowns over the last two years may be obtainable from the Irrigation Department, RWS&S, or from the O/o the Mandal Tahsildar & Mandal AP WALTA Ex-Officio Chairman.

Point 3: The data regarding water level trends in Nivagam village: The observation well of this office is situated at about 8km from the proposed sand reach at KOTHURU Mandal Headquarters, with geo-coordinates: 18° 46'37.3"N 83° 52'24.8"E. The historical water level data is provided in the attached Excel sheet. Analysis of the Composite Hydrograph from the Excel sheet indicates that water levels correlate with rainfall patterns. It is apparent from the graph that there is a decreasing trend in water levels of approximately 2 meters in consonance with the declining rainfall trend.

[with Regards](#)

Yours faithfully,  
[Deputy Director/](#)  
[District Ground Water Officer,](#)  
[Ground Water and Water Audit Department,](#)  
[Srikakulam.](#)  
[Mobile No.8333991172](#)

On Thu, Mar 14, 2024 at 10:51 AM EE,RO Srikakulam <[roskm-ee1@appcb.gov.in](mailto:roskm-ee1@appcb.gov.in)> wrote:

|

**Sir,**

The joint committee (DRO, CPCB & APPCB) requested to submit the following information immediately so as to submit the report to Hon'ble NGT:

From ground water department following information with reference to OA 763/2023

1. Details of number of pumps in vamsadhara river in nivagam village.
2. Status of their operation, Details of waterlogging and shut down of pumps in last 2 years.
3. Status of ground water depth and its trends in Nivagam village.

Yours Faithfully,

**EE.RO.SKLM**



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 **Kothuru.xlsx**  
29 KB

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From:  
Sri K. John Sudhakar, M.E.,  
Superintending Engineer,  
(R&B) Circle, Srikakulam.

To,  
The Environmental Engineer,  
A.P Pollution Control Board &  
Regional office,  
Srikakulam.

**Lr. No. Nivagam - Mathala Bridge/AEE1/SKLM / 2023-24, dt: 26.03.2024.**

Sir,

Sub :- R&B Circle, Srikakulam – Division, Srikakulam – High Level Bridge across River Vamsadhara between Nivagam-Mathala villages at Km 33/2-6 of Palakonda-Haddubangi Road (SH - 089) – Status Report -Submitted –Reg.

- Ref :- 1. Order of Hon'ble National Green Tribunal Principal Bench, New Delhi dated 22-01-2024 on the Original Application No. 763/2023.  
2. EE, RO, Srikakulam message dated 25-03-2024

\* \* \*

Adverting to the reference 1<sup>st</sup> cited above, Mr. Geddam Haranadha Rao Achari, Editor, Manneseema, resident of N.N.Colony, Deevara (Street), Karlemma (Panchayathi), Kotturu (Mandal), Srikakulam (Dist), Andhra Pradesh (State) has prayed before the Hon'ble Tribunal that 'to prevent and take action against Illegal mining sand in Nivagam village Vamsadhara riverbed, Srikakulam District, Kotturu mandal, Andhra Pradesh'. While discussing various points in his O.A, he has mentioned about the importance of the high-level bridge and also expressed fear and anguish on the condition of the bridge and livelihood of the several lakh families of both the States if the aganger of sand mining continues which is the concern of R&B department.

In this regard the joint committee consisting of DRO, CPCB & APPCB have requested to submit the certain information such as status of bridge and dykes, details of damage and impact of the structure and status of dykes, details of damages and impact on dykes so as to submit the report to Hon'ble NGT.

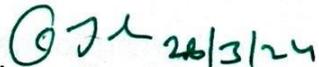
In this connection, it is to submit that the said high level bridge was constructed in the year 2003 and it is catering the needs of the people of both the states Andhra Pradesh and Odisha since then. The Bridge foundations are resorted with well foundations and terminated at various depths ranging from 10 mts to 22 mts from the bed level of the river.and the superstructure is made with prestressed post tensioned concrete .

The petitioner in his O.A. referred to the exposed pillars due to sand being dug at deeper depths. In fact, the exposed part of the well cap at the river bed is the false steining which is cast for the purpose of concreting well cap in dry condition. It doesn't have any structural importance and not at all be considered to be exposed. As of now the bridge is intact and there are no signs of damages to any of the structural members. But it is advised not to take up sand mining at a minimum distance of 500mts on either upstream or downstream side of the bridge which results in river meandering. Due to illegal and unscientific sand mining the river changes its course and entire flow will be concentrated on a particular portion of the bridge and the piers may experience the thrust for which they were not designed. Hence the practice of sand mining near the bridge location is not at all advised.

The dykes that are constructed on upstream and downstream sides of the bridge are to be strengthened and unauthorised tracks which are used by the sand mining vehicles which may endanger the inundation of nearby villages during floods.

This is submitted for information.

Yours faithfully,

  
Superintending Engineer,  
(R&B) Circle, Srikakulam

BEFORE THE NATIONAL GREEN TRIBUNAL  
(SZ) AT CHENNAI  
O.A. No.80 of 2024(SZ)

Next Hearing Dt. 29/05/2024  
**Reply affidavit filed by R1**

Mr. D. S. Ekambaram  
Roll NO.81/1973)  
COUNSEL FOR  
RESPONDENT -1(CPCB)  
(Cell No.9445158274)