

BEFORE THE NATIONAL GREEN TRIBUNAL, (SZ) AT CHENNAI
Original Application No.89 of 2022

M-4 LBP Systemised Irrigation council and others. ...Applicants

Vs

Union of India and others ...Respondents

Additional Typed Set of papers filed by Applicant -INDEX

S.No.	Date	Description of documents	Pg.No.
1.	06.05.2024	Newspaper publication	01
2.	13.05.2024	G.O.Ms.No.60, Water Sources (S1) Department	02
3.	-	Component abstract	12

It is certified that all the documents contained in the above typed set of papers are true copies.

Dated at Chennai, this the 16th day of May, 2024.



COUNSEL FOR APPLICANT

Lining of LBP main canal dropped, only distributary canal to be concrete-lined

The government decided to modify the project to improve canal safety and address leakages in all the masonry structures through rehabilitation and reconstruction

S.P. Saravanan
ERODE

With a section of farmers continuing to oppose the concrete lining of the Lower Bhavani Project (LBP) main canal, the State government has brought modifications to the project.

Under the revised plan, the main canal lining works will be removed and the focus will instead be on lining the distributary canal.

The 201-km long canal, fed by water from the Bhavanisagar dam, helps irrigate 2.07 lakh acres in Erode, Tiruppur, and Karur districts. The Public Works Department had issued an order on November 9, 2020, to extend, renovate, and modernise the main canal at a cost of ₹709.60 crore, and work began on February 1, 2021.

While a section of farmers opposed the project on the grounds that concrete lining would prevent recharge of groundwater, another group sought its implementation as per the government order. As the stalemate continued, only 10% works were completed in 2021, and no work was carried out in 2022.

After farmers supporting the project petitioned



Work in progress at the distributary canal of the Lower Bhavani Project canal in Erode district in Tamil Nadu on Wednesday.

the Madras High Court seeking resumption of work from May 1, 2023, and several rounds of discussions, the Chief Engineer, Water Resources Department (WRD), Coimbatore Region, instructed field engineers to commence renovation of the damaged cross-masonry works and the construction of retaining walls in vulnerable areas. Both groups of farmers accepted this, and works resumed.

The government decided to modify the project to improve canal safety and address leakages in all the masonry structures through rehabilitation and reconstruction. Consequently, the WRD issued a Government Order on May 13, 2024, modifying the

project to a zero-lining project for the main canal.

The main components for the main canal include reconstruction of head and direct sluices, bridges, drainage culverts, under tunnels, aqueducts, canal siphons, regulators, and protection walls.

The components for the distributary canal include canal lining with concrete, reconstruction of head and direct sluices, regulators, road culverts, and protection walls. The order stated that the modified project was technically sound, economically viable, and socially acceptable, as it aimed to improve the overall health status of the LBP canal system.

A senior WRD engineer told *The Hindu* that additional works were included

in the modified project, while the project cost was reduced to ₹706.15 crore. Around 40% of the works had been completed so far, and the contractors had consented to execute the remaining works as per the existing agreement cost, the engineer said.

Welcoming the modified project, M. Ravi, convenor of the Keel Bhavani Pasana Pathukappu Iyakam, who opposed the concrete lining, said seepage from the canal would help recharge the groundwater, benefitting farmers and the local population.

However, members of the Keel Bhavani Ayacut Nilai Urimaiyalargal Sangam, who had been advocating for the project's original implementation, criticised the government for the modified project, terming it a failure to protect the 68-year-old structure. An office bearer, under condition of anonymity, said the Madras High Court had ordered the government to implement the court's directive. "Instead of executing the project, the government held meetings with farmers and politicised the issue," he said. The farmer claimed that the government's order was modified without the court's permission and that they would challenge the issue legally.



ABSTRACT

Water Resources Department - Revised Administrative Sanction for the work of Extension, Renovation and Modernisation of Lower Bhavani Sub Basin Project System in Erode, Tiruppur and Karur Districts (Packages I to IV) for Rs.706.15 Crore under NIDA loan - Administrative approval for Additional Quantity and Additional Items for Rs.219.03 crore - Accorded - Orders issue.

Water Resources (S1) Department

G.O (Ms) No.60

Dated:13.05.2024

குரோதி, சித்திரை 30
திருவள்ளூர் ஆண்டு 2055

Read:

1. G.O.(Ms) No.276, Public Works (W1) Department, dated.09.11.2020.
2. From the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai, Letter No. HDO/Sr.DO2/F-RAS (Additional Quantity Proposal)/2023, dated.28.02.2024.

ORDER:

In the Government Order 1st read above, the Government have accorded Administrative Sanction to a sum of Rs 933.10 Crores (Rupees Nine Hundred Thirty Three Crores and Ten Lakhs only) for Rehabilitation of age old Lower Bhavani Project System under Extension, Renovation and Modernisation with the loan assistance from NIDA. (NABARD Infrastructure Development Assistance). The Government have entrusted the works to the Chief Engineer, Coimbatore Region, Water Resources Department for execution as a Deposit Work, by Tamil Nadu Water Resources Conservation and Rivers Restoration Corporation Limited and sanctioned for splitting up of the works into Six Packages as below and out of which, Rs.709.60 Crores (Rupees Seven Hundred and Nine Crores and Sixty Lakhs only) was allotted to Packages I to IV for Lower Bhavani Project Canal System :-

Package No.	Name of Package	Estimate (Rupees in Crore)
I	Extension, Renovation & Modernisation of Lower Bhavani Project Main Canal from Mile 0-0-373 to 18-1-375 in Erode District.	194.15

II	Extension, Renovation & Modernisation of Lower Bhavani Project Main Canal from Mile 18-1-375 to 39-0-000 in Erode District.	127.65
III	Extension, Renovation & Modernisation of Lower Bhavani Project Main Canal from Mile 39-0-000 to 63-0-560 in Erode District.	198.25
IV	Extension, Renovation & Modernisation of Lower Bhavani Project Main Canal from Mile 63-0-560 to 124-2-560 in Erode, Tiruppur and Karur Districts.	189.55
	Total-I	709.60
V	Extension, Renovation & Modernisation of Kalingarayan Channel from Mile 15- 45-195 to 56-55-328 in Erode District.	76.80
VI	Extension, Renovation & Modernisation of Thadapalli Channel and Arakkankottai Canal in Kodiveri Anicut System in Erode District.	146.70
	Total-II	223.50
	Grand Total	933.10

2. In the letter 2nd read above, the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai has sent a proposal for Revised Administrative Sanction for the work of Extension, Renovation and Modernisation of Lower Bhavani Sub Basin Project System in Erode, Tiruppur and Karur Districts (Packages I to IV) for Rs.706.15 Crore with the revised and additional quantities and additional items, which has to be incurred from the overall savings of the Administrative Sanction of Rs.709.60 Crore and furnished the following details:-

I. Challenges Faced in LBP Canal System

- a. The ERM renovation work was planned to be executed within two years with a working period of three months in between two irrigation seasons. When the preliminary field works were commenced on 01.02.2021, a group of farmers whose lands are irrigated through recharged ground water, owing to the canal seepage, came up with an agitation stating that the cement concrete lining in the sides slopes of the canal itself would affect the ground water recharge which would ultimately affecting their Livelihood.
- b. In order to avoid any possible social turbulence, the rehabilitation works were commenced and executed only in few selective places and about 10% of works were completed as on 15.08.2021 in all four packages.
- c. In this critical context, the Department was not able to execute the renovation works in all the selected segments of the LBP Main canal. Again, the group of farmers organized a protest meeting on 24.02.2022 at Perundurai and insisted not to carry out the concrete lining works in the canal. Meanwhile, a group of registered ayacut

farmers (Farmer's Federation) insisted the department to execute the work as per the original estimate.

II. Discussions held for the Way Forward

- a. The Hon'ble Minister of Water Resources Department conducted a meeting on 14.07.2022 at Coimbatore with the two Farmers' Groups, in the presence of Hon'ble Minister of Housing and Urban Development, Hon'ble Minister of Electricity Prohibition & Excise and Hon'ble Minister of Information and Publicity along with the District Collectors of Erode and Tiruppur, Chief Engineer, Water Resources Department, Coimbatore Region and Water Resources Department officials. In this meeting also, even after hectic deliberations, no unanimous decision could be taken. Following which, several rounds of discussion were made at various levels, which all went futile.
- b. Ultimately, as per the instructions of the Hon'ble Chief Minister of Tamil Nadu during the meeting held on 03.05.2023 and the Judgment of the Hon'ble High Court of Madras in W. P. No. 19472 and 19548 of 2022, the Chief Engineer, Water Resources Department, Coimbatore Region conducted a review meeting on 09.05.2023 at LBP Division Erode along with the Superintending Engineer, Bhavani Basin Circle, Erode. After a detailed discussions, the Chief Engineer instructed the field engineers to commence the work of renovation of the cross masonry works which are in damaged condition and the construction of retaining (Protection) walls in the vulnerable reaches of the canal with consent of both the group of farmers.

III. Necessity of Modified Project Interventions

In order to implement the orders of the Hon'ble High Court, the Hon'ble Chief Minister of Tamil Nadu instructed to improve the health status of the LBP canal by implementing the ERM scheme by reconstructing, all the damaged cross masonry structures and construct canal protection walls in the vulnerable segments of the canal by attaining amicable solution. Hence it was decided to modify this project as a zero (No) lining project.

IV. Expected Project Outcome

- a. Since the primary objective of improving the canal transmission efficiency has been modified by omitting the canal lining, it is felt that working towards the improvement of canal safety and arresting leakages in all the masonry structures of the canal through rehabilitation/reconstruction would be the desirable and appropriate additional interventions.
- b. This modified proposal encompasses the canal Safety as the primary objective which includes the enhanced strength and

stability of the hydraulic structures. This proposal, among many other things, includes

1. Reconstruction of all damaged cross masonry structures in the Main Canal, Distributary and its Branches.
2. Strengthening the breach prone vulnerable portions of the canal segments by constructing canal embankment protection walls with the consent of the respective farmers.

V. Components involved in the Modified Proposal

A. Main Canal

- i. Reconstruction of Head Sluices and Direct Sluices.
- ii. Reconstruction of Bridges.
- iii. Reconstruction/ Rehabilitation of Drainage Culverts/ Under Tunnels.
- iv. Reconstruction/ Rehabilitation of Aqueducts.
- v. Rehabilitation of Canal Syphon.
- vi. Rehabilitation of Regulators
- vii. Protection wall.

B. Distributary Canal

- i. Canal Lining with concrete.
- ii. Reconstruction of Head Sluices and Direct Sluices.
- iii. Reconstruction of Regulators.
- iv. Reconstruction of Canal Drops.
- v. Reconstruction of Road Culvert.
- vi. Protection wall.

With the above said technically sound, economically viable & socially acceptable interventions, this modified proposal aims to improve the overall health status of the LBP canal system. Though the available funds are insufficient to achieve the modified objectives completely, there will be an appreciable improvement in the overall efficiency of the canal system which will in turn help to improve the productivity of the Lower Bhavani Project System.

VI. Field Visit by the Chief Engineer, Water Resources Department, Plan formulation

As desired by the Additional Chief Secretary, Water Resources Department, the Chief Engineer, Plan Formulation, Water Resources Department, has inspected the vulnerable ERM sites on 05.01.2024. The salient features of the modified proposal were explained in detail by the field Engineers. After a thorough study and analysis, the general observations as expressed by the Chief Engineer, Plan Formulation, were duly incorporated in the modified estimate.

VII. Abstract of Modified Proposal

Based on the above concept and approach, the Superintending Engineer, Water Resources Department, Bhavani Basin Circle, Erode submitted a modified proposal as below:-

Package No.	Name of Package	Original Estimate Sanctioned (Rupees in crore)	Modified Estimate proposed (Rupees in crore)
I	Extension, Renovation & Modernisation of Lower Bhavani Project Main Canal from Mile 0-0-373 to 18-1-375 in Erode District.	194.15	192.20
II	Extension, Renovation & Modernisation of Lower Bhavani Project Main Canal from Mile 18-1-375 to 39-0-000 in Erode District.	127.65	127.30
III	Extension, Renovation & Modernisation of Lower Bhavani Project Main Canal from Mile 39-0-000 to 63-0-560 in Erode District.	198.25	197.75
IV	Extension, Renovation & Modernisation of Lower Bhavani Project Main Canal from Mile 63-0-560 to 124-2-560 in Erode, Tiruppur and Karur Districts.	189.55	188.90
	Total	709.6	706.15

VIII. Additional works involved:

The modified proposal includes three additional works namely

1. Sluice and Regulator shutters.
2. Cementitious pressure Grouting treatment for rehabilitation of structures
3. RCC Hume pipes for sluices.

The modified estimate has been casted as per the existing agreement rate, except for the above three additional works. Contractors have given their consents to execute the remaining works in the modified proposal as per the existing agreement rate.

IX. Details of Additional Quantity and Additional item:

The abstract of additional quantities and additional items involved in the Modified Estimate are tabulated as below:

Sl. No.	Description	Additional Quantity (in Crore)	Additional items (in Crore)
1.	Package-1	52.02	0.86
2.	Package-2	45.28	3.38
3.	Package-3	51.38	1.78
4.	Package-4	63.49	0.82

a. Package - I Additional Quantity and Additional item:

Owing to the above changes in the estimate, it is now necessitated to obtain modified administrative sanction from the Government. This modified Detailed Project Report involves additional quantity in Package - I to an overall amount of Rs.52,02,30,282/- Apart from the additional quantity, additional items which are found essential in this project have also been included in the revised estimate. The total value of the additional items is Rs.86,45,567/-. The overall savings available due to the exclusion of canal lining is arrived as Rs.85.28 crores. As such, the total contract value is limited to the Agreement Value, i.e., Rs.154.42 crore.

b) Package - II Additional Quantity and Additional item:

Owing to the above changes in the estimate, it is now necessitated to obtain modified administrative sanction from the Government. This modified Detailed Project Report involves additional quantity in Package - II to an overall amount of Rs.45,28,12,713/- Apart from the additional quantity, additional items which are found essential in this project have also been included in the revised estimate. The total value of the additional items is Rs.3,37,80,455/-. The overall savings available due to the exclusion of canal lining is arrived as Rs.67.89 crores. As such, the total contract value is limited to the Agreement Value, i.e., Rs.107.22 crores.

c) Package – III Additional Quantity and Additional item:

Owing to the above changes in the estimate, it is now necessitated to obtain modified administrative sanction from the Government. This modified Detailed Project Report involves additional quantity in Package – III to an overall amount of Rs.51,38,14,407/-. Apart from the additional quantity, additional items which are found essential in this project have also been included in the revised estimate. The total value of the additional items is Rs.1,77,59,522/-. The overall savings available due to the exclusion of canal lining is arrived as

Rs.80.87 Crores. As such, the total contract value is limited to the Agreement Value, i.e., Rs.163.56 Crores.

d) Package - IV Additional Quantity and Additional item:

Owing to the above changes in the estimate, it is now necessitated to obtain modified administrative sanction from the Government. This modified DPR involves additional quantity in Package - IV to an overall amount of Rs.63,49,29,894/-. Apart from the additional quantity, additional items which are found essential in this project have also been included in the revised estimate. The total value of the additional items is Rs.82,47,930/- The overall savings available due to the exclusion of canal lining is arrived as Rs.89.97 Crores. As such, the total contract value is limited to the Agreement Value, i.e., Rs.156.64 Crores.

- e) The savings from each contract agreement value will be utilized for excess tender premium, price adjustments, GST variation from 12% to 18%, etc., involved in the respective agreements.
- f) A detailed cost analysis statement involving the additional quantity and additional items showing the excess and less Statement are annexed with this proposal
- g) Under this context, a modified proposal comprising the packages I, II, III & IV for a total value of Rs.706.15 Crores, was prepared which is well within the original Administrative Sanction Of Rs.709.60 Crores.
- h) Accordingly, the additional items and additional quantities involved in the modified proposal were approved in 67th meeting by the Technical Advisory Committee held on 02.02.2024 and by the Tender Award Committee held on 12.02.2024 in its 38th Meeting.
- i) Now, the Detailed Estimates and the Modified / Revised Detailed Project Report for the modified proposal has been prepared involving the variations for all the 4 packages based on the minutes of the Tender Award Committee.

3. The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai has requested Modified / Revised Administration Sanction may be got obtained from the Government along with necessary approval for the variations such as additional items and additional quantities involved in the respective contract agreements for the work of Extension, Renovation and Modernisation of Lower Bhavani Sub Basin Project System in Erode District (Package I to IV) for Rs.706.15 Crore with the overall savings of Rs.3.45 Crore less than the Administrative Sanction of Rs.709.60 Crore.

4. Based on the reasons stated by the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai and Chief Engineer, Coimbatore Region, Water Resources Department and based on the recommendations of the Technical Advisory Committee and Tender Award Committee, the Government have decided to accept the proposal of the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai and to accord orders as follows :

- a. Revised Administrative Sanction is accorded for the works of Packages I to IV of Extension, Renovation and Modernisation of Lower Bhavani Sub Basin Project System in Erode, Tiruppur and Karur Districts with modified and revised components as proposed by the Chief Engineer, Coimbatore Region to the tune of Rs.706.15 Crore against original sanctioned components to the value of Rs.709.60 Crore under NIDA loan assistance, accorded in the Government Order 1st read above as follows:

Package No.	Name of Package	Original Estimate Amount (Rupees in Crore)	Revised Estimate amount (Rupees in Crore)
I	Extension, Renovation and Modernisation of Lower Bhavani Project Main Canal from Mile 0-0- 373 to 18-1-375 in Erode District.	194.15	192.20
II	Extension, Renovation and Modernisation of Lower Bhavani Project Main Canal from Mile 18-1- 375 to 39- 0- 000 in Erode District.	127.65	127.30
III	Extension, Renovation and Modernisation of Lower Bhavani Project Main Canal from Mile 39-0- 000 to 63- 0- 560 in Erode District. ,	198.25	197.75
IV	Extension, Renovation and Modernisation of Lower Bhavani Project Main Canal from Mile 63-0- 560 to 124-2- 560 in Erode, Tiruppur and Karur Districts.	189.55	188.90
TOTAL		709.60	706.15

b. Administrative approval is also accorded for Additional quantity and Additional item of works in packages I to IV, to the value of Rs.219.03 crore.

Sl. No.	Description	Total Value of Additional Quantity (Rupees in Crore)	Total Value of Additional items (Rupees in Crore)
1.	Package-1	52.02	0.86
2.	Package-2	45.28	3.38
3.	Package-3	51.38	1.78
4.	Package-4	63.49	0.82
Total (rounded to)		212.18	6.85
		Over all value	219.03

c. The Chief Engineer, Water Resources Department, Coimbatore Region, Coimbatore is permitted to execute the modified / revised Additional quantities / Additional item of works from the overall savings of the Scheme.

5. The expenditure sanctioned in para 4 above should be claimed from Tamil Nadu Water Resources Conservation and Rivers Restoration Corporation Limited (TNWRC&RRC Ltd).

6. The Engineer-in-Chief and Chief Engineer (General), Water Resources Department and Chief Engineer, Water Resources Department Coimbatore Region are requested to follow the tender procedure for taking up the works under Additional Quantities and Additional Items, if necessary.

7. The Chief Engineer, Coimbatore Region, Water Resources Department is requested to ensure whether the works to be executed are as per the revised designs and drawings and also revised estimates.

8. The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai and the Chief Engineer, Water Resources Department, Coimbatore Region, Coimbatore are requested to fix timeline for executing the work and complete the work as before the scheduled time and within the Revised Administrative Sanctioned amount.

9. This order issues with the concurrence of Finance Department vide its U.O. No. 1266/Infra-II/2024, dated 13.05.2024.

(BY ORDER OF THE GOVERNOR)

**SANDEEP SAXENA,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

To

The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai-5.

The Chief Engineer, Plan Formulation, Water Resources Department, Chennai-5.

The Chief Engineer, Water Resources Department, Coimbatore Region, Coimbatore.

The District Collectors, Erode, Tiruppur and Karur Districts.

The District Treasury Officers, Erode, Tiruppur and Karur Districts.

The Chief Engineer, Institute of Water Studies, Hydrology and Quality Control, Taramani, Chennai-113.

The Chief General Manager, NABARD, 48, Mahatma Gandhi Road, Post Box No.6074, Nungambakkam, Chennai -34.

The Pay and Accounts Officer (East), Chennai -8.

The Principal Accountant General (A&E), Chennai-18.

The Principal Accountant General (Economic and Revenue Sector Audit), Chennai-18.

The Resident Audit Officer, Secretariat, Chennai-9.

The Chief General Manager, NABARD, 48, Uttamar Gandhi Road, Nungambakkam, Chennai-34.

Copy to

The Secretary-II to the Hon'ble Chief Minister, Secretariat, Chennai-9.

The Special Personal Assistant to Hon'ble Minister (Water Resources), Secretariat, Chennai-9.

The Special Personal Assistant to Hon'ble Minister (Finance & Human Resources Management), Secretariat, Chennai-9.

The Finance (Infra-II / W&M.I / Res-II) Department, Secretariat, Chennai-9.

The Water Resources (OP-II) Department, Secretariat, Chennai-9.

G.O.(Ms) No.276, Water Resources (W1) Department, dated 09.11.2020.

Stock File / Spare Copy.

// Forwarded by Order //

A. Shahanas Begum
14/5/2024
Section Officer.
14/5/2024

N.W:- Extension, Renovation and Modernisation of Lower Balakrishnan Project Canal in Erode, Tiruppur and Karur Districts.

Component Abstract

(PACKAGE I - IV)

S. No	Type of Structure	As Existing	As per DPR/ Estimate		So far executed		Proposed Execution		Total Execution	
			No. of Structure		No. of Structure		No. of Structure		No. of Structure	
			Rehabilitated	Reconstructed	Rehabilitated	Reconstructed	To be Rehabilitated	To be Reconstructed	Rehabilitation	Reconstruction
I	Civil Works (Main Canal)									
1	Bund Strengthening with Precast Slab Lining in Km	200.00		45.22						
2	Head Sluices and Direct Sluices	179	81	12	11	32	7	74	18	106
3	Bridges	95	1	13	1	9		4	1	13
4	Bund Strengthening with Precast Slab Lining above Structures in Km	18.63		20.40						
5	Under Tunnel / Drainage Culvert	166	120	10	7	8	111	4	118	12
6	Aqueduct	10	6	2	2		4	2	6	2
7	Aqueduct cum Outlet	4	1				2		2	
8	Canal Syphon	3	1					1		1
9	Regulator	7	2		1				1	
10	Protection wall			16.400		19.540		10.995		30.535
II	Civil Works (Disty Canal)									
1	Canal lining with concrete length in KM	377.60		126.28		6.80				6.80
2	Head Sluices and Pipe Sluices	1451	19	166	7	77	24	326	31	403
3	Regulator	56	10	11			10	13	10	13
4	Drops	1239	92	142	9	244	19	298	28	542
5	Road pipe culvert	273	2	57		6		21		27
6	Protection wall			6.430		58.12		31.53		89.65

**BEFORE THE NATIONAL GREEN
TRIBUNAL (SZ) AT CHENNAI**

O.A. No.89 of 2022

**ADDITIONAL TYPED SET OF
PAPERS FILED BY APPLICANT**

M/s. A.PRAVEEN KUMAR (2836/12)
M. MEENATCHI (2685/12)

COUNSEL FOR APPLICANT
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