

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 125 of 2017

And

Original Application No. 217 of 2017

IN THE MATTER OF:

Court on its own motion

Versus

State of Karnataka

..Respondent

AND

Dr. Kupendra Reddy

..Applicant

Versus

State of Karnataka

..Respondent

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(BALAJI SRINIVASAN)

Advocate for (BWSSB)

24 Lawyers Chamber

Supreme Court of India

New Delhi.-1

C.C.1546

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Dr.Kupendra Reddy	AND	..Applicant
State of Karnataka	Versus	..Respondent

**AFFIDAVIT ON BEHALF OF THE BANGALORE WATER
SUPPLY AND SEWERAGE BOARD**

I, B.C.Gangadhar, son of Channegowda aged 51 years working as Chief Engineer(Waste water Management) BWSSB, am authorized signatory of the Respondent Bengaluru Water Supply and Sewerage Board (“BWSSB”) and as such I am well acquainted with the facts and circumstances of the case. I do hereby solemnly affirm and state on oath as follows.

1. The instant affidavit is being filed as an explanation to the compliances made by BWSSB. The compliances made by BWSSB have been in respect to the following in brief:

- I. Execution of projects for setting up STPs and laying of sewerage network by 30.09.2020
- II. Upgradation of STPs with biological nutrient removal by 30.09.2020
- III. Interim remediation


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- IV. Treated water not to be discharged into the UGB network
- V. Untreated sewage not to enter lakes
- VI. Control on sources of discharge of sewerage
- VII. Action against the erring officers

In view of the COVID-19, the Hon'ble Government of India has declared Nationwide Lock Down since 23.03.2020 onwards. Hence, there had been no progress of work from 24.03.2020 upto 14.04.2020. Further, vide order No. 15.04.2020 Department of Health and Family Welfare, Government of India has classified Bengaluru urban under Red hot zone. Under the circumstances, the restrictions were continued till 03.05.2020 and as such though movement of non essential goods vehicles were permitted still mainly the necessary cement and steel for the constructional activities could not be arranged because of shut down of the manufacturing units.

The type of constructional activities for STP requires skilled labours for centering, shuttering, installation of electromechanical equipments etc. Almost all the skilled labours were engaged by the contractor from the states of Jharkhand, Chhattisgarh, Bihar, West Bengal and Odisha. The Government of India in its directions on 29.04.2020 has allowed in situ activity for constructional purposes with guidelines to maintain social distance and other precautionary measures as per stipulations. Due to this, the contractor has actually started mobilizing the work force to the site and had also placed orders for constructional materials. However, physical




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activities in the site had been started on 02.05.2020, as the steel and cement reached the site on those days.

In the meanwhile Government of India in its order dated 02.05.2020 permitted the movement of migrant workers who want to go to their residences. Due to which most of the migrant workers from other states have moved out of the site and have gone to their native places. On the other hand Bangalore being in the Red zone no labourers from any other districts are allowed to enter Bangalore. This has resulted in acute shortage of labour force. Hence, the timelines fixed for the identified works for Bellandur and Varthur lakes may not be achievable and also uncontrolled of COVID-19, the Hon'ble State Government of Karnataka has declared Lock Down from 14.07.2020 to 22.07.2020. Due to this at present the probable date of completion of all the works cannot be proposed till situation with respect to labourers and materials becomes clear. Also, at present the probable date of completion of all the works cannot be proposed till situation with respect to labourers and materials becomes clear.

Even though unlock was announced by the Government from Jun 8th onwards, due to raise in the number of COVID cases in Bangalore, it has become very difficult to strengthen the existing labour force required for carrying out works. Also, as the type of works which are being carried out are mostly associated with sewage, the labours required for such type of works are also not ready to work in these pandemic conditions. This has resulted in acute shortage of labour force. Hence, the timelines fixed for the identified works for Bellandur and Varthur lakes may not be achievable and also uncontrolled of COVID-19, the Hon'ble State Government of Karnataka has declared Lock Down since 14.07.2020 at 8 P.M to 22.07.2020 at 5 A.M.


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this at present the probable date of completion of all the works cannot be proposed till situation with respect to labourers and materials becomes clear.

Under the circumstances, the exact timeline required for completion of the work can only be estimated after substantial casing out of the situation and also after sufficient labour force movement is allowed. Thus it is humbly requested that the Hon'ble NGT may kindly consider all the above facts in assessing the situation and allow more time for completion of the works.

A detailed work wise progress achieved as on 15.07.2020 comparing the same with the Hon'ble NGT Committee report is herewith submitted for kind perusal.

2. The compliances have been elaborated below:

I. Execution of projects for setting up STPs and laying of sewerage network by 30.09.2020

i. Direction/Order dated 18.12.2019, of this Hon'ble Tribunal

In para No.28 (i) Dated 18.12.2019 of the NGT order, it is stated that *"Timelines for execution of projects for setting up of STPs and laying of sewerage network may not be extended beyond 30.09.2020. If the works remains incomplete even till 30.09.2020, compensation will be liable to be paid @ Rs. 10 lakh per STP per month which may be liable to recovered from the erring officers, apart from adverse entries in their service records and other adverse action"*.



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ii. **BWSSB Compliance:**

a. **150 MLD Capacity new Sewage Treatment Plant based on activated sludge process with BNR with Power generation (Date of completion 30.07.2020)**

The construction of this 150 MLD STP is taken up at the cost of Rs.297.37 Crore. Date of Completion is 30.07.2020. The overall progress as on 15.07.2020 is 79.00% against the Planned target of 99.00%. As per observation of the monitoring committee dated 06.03.2020, overall 75.21% progress is achieved against the planned target of 86.38%. The BWSSB states that the pending work will be completed by 31.07.2020.

The lagging of progress is mainly civil works and installation of plant and machineries. The progress on the work is closely monitored. In view of the Covid-19, the STP in full inclusive of waterline and sludge line will be completed by 31-03-2021.

b. **Construction of 210 MLD capacity ISPS at Koramangala Sports Complex – including O&M for 7 years (Date of completion 29.01.2020)**

The ISPS is ready for operation but the sewage will be pumped after completion of the 150 MLD STP i.e., 31.03.2021. As per observation of the monitoring committee dated 06.03.2020, ISPS is ready for operation but the sewage will be pumped after completion of the 150 MLD STP.


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c. Laying of 1800 mm dia raising main from 210 MLD ISPS to 150 MLD STP – S2D(a) of length 5.315 Km

As on 15.07.2020, 3972 RMT of pipeline work is completed as against 5315 RMT. As per observation in the monitoring committee report, laying of pipelines in the storm water drains (SWD) is very difficult as the location of the work in this drain is at the end of the valley carrying huge quantity of storm water. At present 3972 RMT of pipeline work is completed as against 5315 RMT.

In view of the Covid-19 this pipeline work will be completed by 31-03-2021.

Due to loss of time in view of the Covid-19 situation the work has not progressed much. As the work is to be taken up in the storm water drain and due to monsoon this work can be started only after October, 2020.

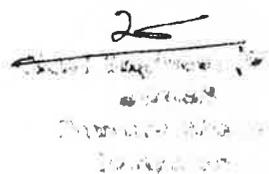
Under the circumstances the timeline for completion of the work will go beyond.

d. Sarakki – 5.0 MLD STP at Sarakki lake (Date of completion August-2019)

It was completed and commissioned on 08.11.2019

e. Chikkabeguru – 5.0 MLD STP

The overall progress as on 15.07.2020 is 90.91% against the planned target of 100.00%. As per observation in the monitoring committee report, the overall progress is 90.91% against the planned target of 100%. the work will be completed by 30.09.2020

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f. Hulimavu – 10 MLD STP (Date of completion March,2020)

It has been completed and commissioned.

g. Augmenting sewage from Iblur side and conveying to Bellandur Amanikere STP (Laying of sewer sub main) (Date of completion 30.12.2020)

As on 15.07.2020 laying of 1437 RMT of pipeline is completed. As per observation in the monitoring committee report, about 950 mtrs out of 2425 mtrs of 900/600/450 mm dia RCC NP-3 pipeline along the alignment is laid. Work is under progress and will be completed by December 2020.

h. Agaram – 35 MLD STP (Date of completion Dec, 2019)

It has been completed and commissioned.

i. Waste water wet well – 32.5 MLD Capacity near the premises of 90MLD Bellandur Amanikhane STP to augment sewage from the adjoining areas of Bellandur Amanikhane STP (Date of completion 19.02.2021 as per Work- order)

Earth work excavation for wet well portion is in progress. As per observation in the monitoring committee report dated 06-03-2020, work order is issued. It was planned to complete by 19.02.2021.

In view of the Covid-19, the ISPS work is scheduled to be completed by 31-03-2021


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- j. **Proper mechanism should be developed/placed to identify the blockages in the existing UGDs and to attend them mechanically**

BWSSB has 175 Jetting cum suction machines and 40 de-silting machines to clean the UGD lateral network. The monitoring committee report dated 06.03.2020, observed that BWSSB is also having 6 High Pressure desilting machines and one recycler machine for cleaning of sub-mains and main sewers.

As planned additional 10 Jetting cum Suction machines have been procured in February-2020. Maintenance of sewer lines is done regularly based on the complaints and extensive, massive desilting of sewer lines will also be taken periodically to ensure proper flow of sewage.

II. Upgradation of all existing STPs with facilities to removal of Biological Nutrient Removal

i. Direction/Order of this Hon'ble Tribunal

In para No.14 Dated 18.12.2019 of the NGT order, it is stated that:

“We also found that timelines fixed by this Tribunal have been unilaterally extended without any valid justification and no action has been taken against the erring officers on a specious plea that it was difficult to fix responsibility. Such approach is hardly compliant with the Rule of Law. We particularly disapprove the timeline for upgradation of STPs with Biological Nutrient Removal (BNR) at 248 MLD STP at K&C Valley. The same must not go beyond 30.09.2020 but preferably be completed before 30.06.2020 although earlier timeline fixed by this Tribunal was 30.06.2019. No substantial work has been done in the last one year on this aspect.”



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ii. **BWSSB Compliance:**

Based on the concept note developed by Professors of IISc and in consultation with the consultants M/s CH2M Hill India Pvt. Ltd., appointed for upgradation of 248 MLD STP at K&C Valley, the estimate prepared for immediate action to achieve Biological Nutrient Removal in 248 MLD STP has been approved by Government of Karnataka including approval to take up the works from M/s KRIDL under 4G exemption. Proposal was also approved in Board meeting of BWSSB on 27.01.2020.

The work orders for consultancy for upgradation of the 248 MLD STP is issued to the consultants M/s CH2M Hill (India) Pvt. Ltd.

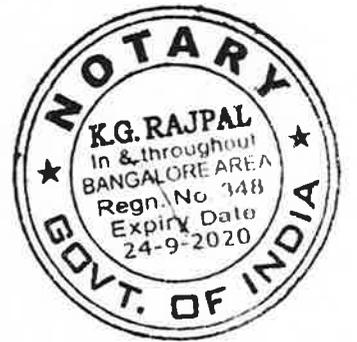
Also a letter to proceed with the work has been issued to M/s KRIDL for taking up the works.

In this regard M/s_KRIDL called tenders for procurement of equipments and instruments on 20-04-2020 with 29-04-2020 as the last date for submission of tenders, the bids were opened on 02-05-2020 and no tenderers have participated in the tender. 2nd call of the tender is uploaded on 11-05-2020.

As per the monitoring committee report dated 06.03.2020. The operating STPs of 90 MLD STP at BellandurAmanikere, 60 MLD STP at K&C Valley, 5 MLD STP at Sarakki and under construction STP's of 150 MLD at K&C Valley, 5 MLD at Chikkabegur, 10 MLD Hulimavu and 35 MLD STP at Agaram are with Biological Nutrient Removal process.


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The working STPs at Cubbon Park and Lalbagh are Tertiary Treatment Plants.

For the 248 MLD (K & C Valley), the approval of the State Government is obtained and a work order dated 03.03.2020 has been issued in favour of M/s KRIDL., to complete the work by 30-09-2020. Further, a work order has been issued to M/s CH2M Hill India Pvt. Ltd on 02.03.2020 for project management consultant services for the work of upgradation/rehabilitation of existing STPs at KC Valley. The works are expected to be completed by 30.09.2020 as reported by Chairman, BWSSB.

Even for the second extended call, there were no proper responses from the tenderers. Under the circumstances, M/s KRIDL. have written a letter to BWSSB to take up the said works from BWSSB side only. This situation is mainly the suppliers are asking for a lead time for supply of around 6 months.

As such in order to attain the target of time line fixed by NGT as 30.09.2020 for removal of BNR, BWSSB in consultation with the consultants M/s CH2M Hill India Pvt. Ltd. and the team of Professors from Indian Institute of Science has evaluated a concept to achieve removal of Nitrates before 30.09.2020 by making changes in the existing process of treatment and BWSSB has taken action to call tenders. The entire upgradation work other than BNR along with Bio-solids handling will be taken up simultaneously by floating tenders.




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In view of the covid-19 lockdown almost all the industries manufacturing specialized equipment like blowers, diffusers, screens, DO meters etc are not working. Under the circumstances the tenderers will not be in a position to ascertain the rates of the materials. The tenderers will not be in a position to quote the tenders. However the 2nd call of the tender has been uploaded with 20-05-2020 as the last date for bidding. Under the circumstances the timeline for completion of the work will go beyond.

III. Interim remediation

i. Order of this Hon'ble Tribunal

In para No.28 (ii) Dated 18.12.2019 of the NGT order, it is stated that Bengaluru Water Supply and Sewerage Board (BWSSB) must ensure that no sewage/effluent is discharged into the lakes and till setting up of STPs, interim remediation must be done forthwith. Any default in this regard will result in requirement to pay compensation of Rs. 5 lakh per month per inlet into the lakes from 01.02.2020.

ii. BWSSB Compliance

Further to the discussions in the Monitoring committee meetings, site visits on 04.01.2020 and also in the meetings conducted by the Government Authorities at Chief Secretary and Additional Chief Secretary levels, Hon'ble NGT committee has instructed to take up the aeration works in the diversion channels done by BDA at HAL side, Y-Junction of Agara& Koramangala side channels, Iblur and on either sides of Varthur Lake.

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BWSSB has installed aerating systems in the following 6 locations by 31.01.2020, through M/s KRIDL:

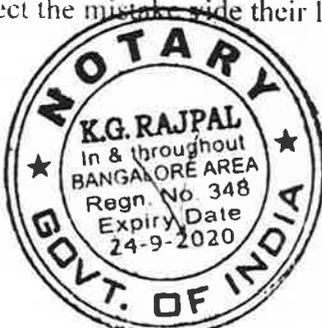
- 1) HAL side & Kempapura inlet,
- 2) Agaram,
- 3) Koramangala inlet,
- 4) Iblur inlet coming under Bellandur lake and
- 5) Northern side of Varthur lake
- 6) Southern side of Varthur lake.

Same have been inspected by the NGT Monitoring Committee during their inspections on 21.01.2020.

Also, bio-remedial installations of artificial floating islands have been installed for the inline treatment. In order to comply with the time line of 01.02.2020 fixed in the orders of the NGT, the aerating systems in the 6 locations were installed before 31.01.2020 and same have been observed by the NGT Committee during their inspection of the said location on 21.01.2020.

Subsequently, in order to enhance the interim remediation artificial floating islands have also been installed.

Same have been observed by the NGT Committee during their inspection on 25.02.2020. NGT committee while reporting by mistake have reported the date of completion as 28-02-2020. Same has been brought to the knowledge of the NGT monitoring committee and they have also accepted to correct the mistake vide their letter dated 13.05.2020.




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As per the monitoring committee report dated 06.03.2020, the peripheral diversion channels have been constructed by the BDA in both the lakes and sewage water is flowing through this channel. Entry of sewage water into these lakes have been stopped. Further, the BWSSB have installed aerating systems and has completed by 28.02.2020 at 1) HAL side and Kempapura inlet, 2) Agaram inlet, 3) Koramangala inlet, 4) Iblur inlet coming under Bellandur Lake, 5) Northern and 6) Sothern side of Varthur lake for inline treatment of sewage. Further, in addition the BWSSB is also installing artificial floating islands.

It is submitted that during the rainy season, rain water of the catchment area of KC Valley flows through the Bellandur and Varthur lakes. In the past, flooding in the low laying habitat areas have been reported during the monsoon. The State Government (BDA and BBMP) should take appropriate measures during the de-silting period so that no adverse impact on de-silting as well as flooding in habitat areas take place.

IV. Disconnections to ensure that no treated effluent is discharged into BWSSB UGD network

i. Order of this Hon'ble Tribunal

In para No.28 (iii) Dated 18.12.2019 of the NGT order, it is stated that *"BWSSB may further ensure that treated water is not discharged into the UGD network. Action may be taken against persons responsible for having allowed this to be done earlier resulting into loss of Rs. 2 Lakhs per day i.e. Rs. 60 Lakhs per month and more than Rs. 7 Crore per year without any justification whatsoever."*


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ii. BWSSB Compliance

As per the Hon'ble NGT order BWSSB may further ensure that treated water is not discharged into the UGD network. the list provided by KSPCB for 496 buildings having STPs has been inspected by BWSSB Engineers and out of 496 buildings 109 buildings UGD connections are disconnected, there is no BWSSB UGD network near 378 buildings, 2 buildings are beyond the 110 village limits of BBMP, 5 buildings addresses are repeated in the list, 1 building address is not traceable and 1 building does not have STP.

BWSSB is identifying the sources of discharge of sewage and will disconnect water supply and UGD connections of the defaulting establishments and also send a complaint to KSPCB. If the defaulting establishment is using ground water then the complaint has also to be booked with KSPCB for its action.

Further, the treated water was allowed as per the conditions stipulated in the order of the consent issued by KSPCB. Under the circumstances, BWSSB request not to take any action against its officials.

As per the monitoring committee report dated 06.03.2020, the BWSSB submits that the excess treated water was allowed to be discharged in the UGD network as per the conditions stipulated in the consent for operation issued to private STPs by KSPCB. After the orders of NGT, the BWSSB in consultants with KSPCB, the connections given for letting treated water to UGDs have been disconnected for 109 units (out of 496 units, in 109 units



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UGD connections are disconnected; there is no BWSSB UGD network near 378 units; 2 units are beyond the 110 villages limits of BBMP; 5 units addresses are repeated in the list; 1 unit address is not traceable and 1 unit does not have STP). The ACS, UDD, submits that since, treated water was allowed as per the conditions in the order of consent to operate, no action can be taken against the officials of BWSSB in this matter.

In response to the above, the Member Secretary, KSPCB, reports that from the list of 109 Residential/Commercial project total quantity of sewage generated is about 11.462 MLD, out of which by utilizing treated sewage for secondary usage viz.. toilet flushing, floor washing, vehicle washing and for gardening there is an excess treated sewage of about 4.58 MLD. At present BWSSB is operating 7 sewage treatment plant in Bellandur catchment and 3 more are under stabilization. Total capacity of the 7 operating STP's is 448 MLD and 3 STP's under stabilization is about 50 MLD.

It indicates that the volumetric load from discharge of excess treated sewage into BWSSB UGD is 1.03%. This may be considered as small quantity. The Member Secretary submits that their officers/officials are doing regular monitoring and taking actions to prevent the pollution. He has requested that in this background, no action against the officials may be taken. The NGT is requested to take a view in the above facts and circumstances.


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- V. To properly design UGD network so as to feed the existing STPs to their full capacity and also to the STPs under construction treated water should be reused.

i. **Order of this Hon'ble Tribunal**

In para No.16 Dated 18.12.2019 of the NGT order, it is stated that We are informed that about 256.7 MLD untreated sewage is entering the lake from five locations which is nothing but a criminal offence which is required to be checked on war footing and violators of law brought to justice, erring officer being appropriately dealt with under the civil, criminal and service law with a view to uphold the Rule of Law. There is large scale breach of public duties by concerned Authorities dealing with the subject and earlier observations of this Tribunal have fallen on deaf ears and blatantly flouted.

ii. **BWSSB Compliance**

Details of valley wise works taken up are:

To stop the sewage entering natural drains at 294 locations are identified where sewage is entering into SWD. The work is under progress.

Details of valley wise works taken up are:

1. **HAL SWD (Challaghatta Valley) –**

Totally 23 works are to be taken up for augmenting this flow –
Out of which 14 works completed and 10 MLD flow is increased.
After completing balance 9 works by December-2020, balance sewage can be augmented.




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2. Koramangala and Agaram Valley

Totally 48 works are to be taken up for augmenting this flow – Out of which 36 works are completed and the other linking at Mahindra Showroom is completed and 72.44 MLD flow has increased. After completing balance 12 works by December-2020, balance sewage can be augmented.

3. Iblur Catchment area

As on 15.07.2020 out of 2425 mtrs of pipeline, laying of 1437 RMT of pipeline 900/600/450 mm dia RCC NP3 pipeline along the alignment is laid, work is in progress and will be completed by December 2020.

4. Kempapura Catchment area

BWSSB has taken up work of laying 300 mm dia RCC NP3 sewer line for a length of 1000 RMT to convey the sewage generated in this area Bellanduru Amanekhane STP. The work is completed and commissioned in the month of May 2020.

Details of flow after completion of total of 50 works out of 71 works proposed for linking

Location	Flow Measurements as on April-2019 (in MLD)	Flow Measurements as on March-2020 (in MLD) and Present inflow at STP	Difference augmented to STP (in MLD)
HAL	48.60	31.40	-17.20
Agaram & Koramangala	179.50	114.26	-65.24


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218 MLD STP	170	183	13
60 MLD STP	22	60	38
30 MLD STP	26	30	4
90 MLD STP	30	85	55
Total	476.10	503.66	

As per the monitoring committee report dated 06.03.2020, to stop the sewage entering natural drains at 294 locations are identified where sewage is entering into SWD. The work is under progress.

With regards to reuse of the treated water, BWSSB has envisaged the utilization as below:

Sl. No	Name of the STP	Capacity (in MLD)	Quantity committed to Minor Irrigation Department (in MLD)	Remarks
A	Existing STPs			
1	K & C Valley	218	218	
2		30	30	
3		60	60	
4	BellandurAmmani khane	90	90	
5	Kadabeesanahalli	50	-	Committed to KIADB.
6	Sarakki (Recently commissioned)	5	4	
7	Agaram	35	30	
8	Hulimavu	10	9	
Total of Existing STPs		498	441	
B	Under Construction STPs			
9	K & C Valley	150	120	
10	Chikkabegur	5	4	
Total of Under Construction STPs		155	124	
Total		653	565	



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Action against erring officers

i. Order of this Hon'ble Tribunal

In para No.28 (vi) Dated 18.12.2019 of the NGT order, it is stated that "Action against erring officers which has not yet been taken must be initiated forthwith as already directed. Failures of officers still in service should be duly reflected in their ACRs.

ii. BWSSB Compliance

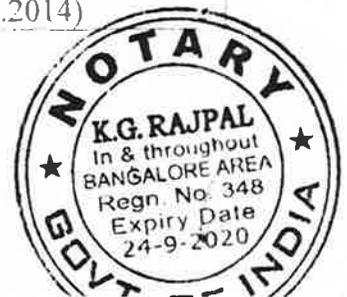
Officers who have worked in the prescribed period have been identified and show cause notices have been issued. The replies obtained from these officers have been reviewed by the Chairman and found to be not acceptable. Hence the approval of the Government is sought vide letter dated:26-05-2020 for initiating disciplinary proceedings on all the concerned retired officers of BWSSB.

As per the monitoring committee report dated 06.03.2020, the ACS (UDD), of State Government has submitted the list of officers who were found responsible for failure in their duties to maintain the lakes. He submits that notices have been issued for initiating the action against them.

The name of officers with departments is listed here under:

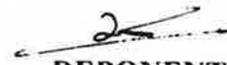
Sl. No.	Name	Designation
1	S.M. Basavaraju	Chief Engineer (14.11.2006 to 08.04.2013) & 10.05.2013 to 29.03.2014)


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2	S.M. Ramakrishna	Chief Engineer (29.03.2014 to 11.06.2013) & as Chief Engineer WWM (I/c) & (11.06.2014 to 31.07.2014) as Chief Engineer WWM
3	S.R. Roopa Kumar	Additional Chief Engineer (31.010.2007 to 05.06.2008)
4	S.P. Rudra Murthy	Additional Chief Engineer (05.06.2008 to 13.06.2012)
5	V. Mahesh	Additional Chief Engineer (27.03.2013 to 10.07.2015)
6	K.R. Manjunath	Additional Chief Engineer (10.07.2015 to 28.10.2016)
7	B.M. Purushotham	Executive Engineer (29.10.2007 to 23.05.2008)
8	C. Abdul Nazir	Executive Engineer (23.05.2008 to 04.01.2012)
9	B.N. SiddaGangaiah	Executive Engineer (04.01.2012 to 31.08.2012) & from 31.08.2012 to 15.11.2012
10	C.C. PuttaMallappa	Executive Engineer (15.11.2012 to 26.08.2013)
11	B.S.C. Soma Shekar	Executive Engineer (26.08.2013 to 07.06.2014)

The replies from the erring Officers/Officials have been received. The explanation furnished by them were found to be unsatisfactory. A letter has been sent to the Government seeking approval for initiating disciplinary action. The above said proposal of the BWSSB is under examination.


DEPONENT
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Verification

Verified at ~~BANGALORE~~ on this ~~27~~¹⁵ day of ~~JULY~~^{JULY}, 2020, that the contents of the above Affidavit are true and correct to my personal knowledge and on the information received and delivered, are believed to be true and nothing material has been concealed.



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DEPONENT
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SWORN TO BEFORE ME

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