

258

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI

ORIGINAL APPLICATION NO. 175 OF 2018
(Earlier Application No. 125 of 2017/SZ)

&

ORIGINAL APPLICATION NO. 350 OF 2018

IN THE MATTER OF:

Shri Jammula Chhoudaraiah & Ors

...Petitioner

VERSUS

Union of India & Ors

...Respondents

AND

Madicharla Satyanarayana & Anr

...Appellants

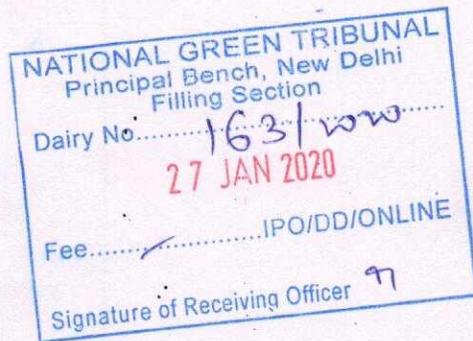
VERSUS

Union of India & others

...Respondents

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	ADDITIONAL AFFIDAVIT ON BEHALF OF UNION OF INDIA, MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE	259- 264
2.	Proof of Service	265- 266



Through

Respondent No. 1

Vinayak
Vinayak Gupta
(Advocate for Respondent No. 1)

New Delhi

Dated: 27/01/2020

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI

ORIGINAL APPLICATION NO. 175 OF 2018
(Earlier Application No. 125 of 2017/SZ)

&

APPLICATION NO. 350 OF 2018

IN THE MATTER OF:

Shri Jammula Chhoudaraiah & Ors

...Petitioner

VERSUS

Union of India & Ors

...Respondents

AND

Madicharla Satyanarayana & Anr

...Appellants

VERSUS

Union of India & others

...Respondents

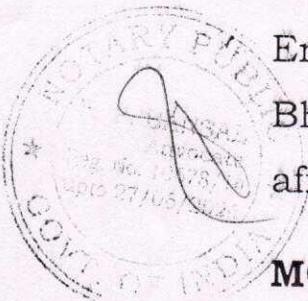
**ADDITIONAL AFFIDAVIT ON BEHALF OF UNION OF INDIA,
MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE**

I, SUNAMAI KERKETTA aged around 53 years S/o Late Tunia Kerketta, currently working as Director in the Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003, do hereby solemnly affirm and state on oath as follows:

MOST RESPECTIVELY SHOWETH:

1. It is submitted that the Ministry has issued a show-cause notice under Section 5 of Environment (Protection) Act, 1986 to the State of Andhra Pradesh for non-compliance of the Environment Clearance and also directed to stop all the activities related to Purushothapatnam Lift Irrigation Scheme with immediate effect.

Sunamai Kerketta



2. The Ministry received the response to the show-cause notice vide letter dated 11th September, 2019 from Special Chief Secretary, Water Resources Department, Andhra Pradesh. Extracts of the response to the show-cause notice is reproduced below:

- i. During the monsoon season, lakh of cusecs of Godavari River water is going into the sea unutilized. The Purushothapatnam Lift Irrigation Scheme was proposed keeping in mind the drinking water needs and demands of the people and in order to utilize flood water of the river Godavari going into sea.
- ii. The Scheme is proposed on the left bank of the river Godavari near Purushthapatnam, Seethanagaram of East Godavari District to lift water from river Godavari under Stage I Pump House and drop the water into Polavaram Left Main Canal at km 1.80 and then lift the water from Polavaram Left Main Canal at km. 50.00 under Stage II Pump House and let that water into Yeleru reservoir for providing drinking and industrial needs of Visakhapatnam City and enroute villages.
- iii. The present lift Scheme is temporary in nature and becomes operational till the Polavaram Project is completed in future. The water from the Polavaram Project Reservoir will flow through gravity into canals and pumping of water from river Godavari would not be required. Once the Polavaram Project becomes fully operational, the pumps of the lift scheme would be taken away and used for other projects.

Suparna Kulkarni

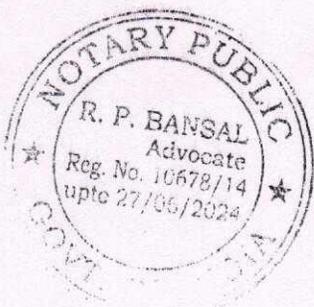
iv. It is also stated that the Purushothapatnam Lift Irrigation Scheme is neither a hydro-electric project with dam/barrage nor an Irrigation Project having component of canal system and distributary network to cater to the needs of new command area under it. The land used for the Project do not have any forest area and therefore no requirement of either forest or other environment clearance. Land necessary for erecting the pumps and laying of underground pipelines have been acquired.

3. The Project Proponent also informed that the operations of the Purushothapatnam Lift Irrigation Scheme have been stopped on receipt of the show-cause notice.

4. It is also requested to withdraw the show-cause notice and allow pumping of water in this flood season as temporary work will serve a great purpose of providing drinking water to Visakhapatnam city and enroute villages of left main canal during monsoon season.

5. It is submitted that the Ministry has sought comments on the response to the Show-cause from Central Water Commission (CWC) and same has been received vide letter dated **21st November, 2019**. The comments received from CWC are reproduced below:

i. It is mentioned that MoWR, RD & GR has issued guidelines for investment clearance in respect of Irrigation, Flood control and multipurpose projects. In the said guidelines, CWC is mandated for techno-economic appraisal of all major and medium irrigation projects which are planned on Inter-State River/River Basin. Till date no proposal of Purushothapatnam Lift Irrigation Scheme has been received for techno-economic appraisal in CWC..



Suman Kishore

ii. As per the Detailed Project Report (DPR) of Polavaram Irrigation Project, there is no association between Purushothapatnam Lift Irrigation Scheme and Polavaram Irrigation Project. Cost of the Purushothapatnam Lift Irrigation Scheme has not been included in the DPR of Polavaram Irrigation Project.

iii. It is also mentioned that the Godavari River Management Board (GRMB) has also informed that the DPR of the Project has not been made available to GRBM by the Project Authority/ Govt. of Andhra Pradesh for appraisal for technical clearance as per AP Reorganization Act, 2014.

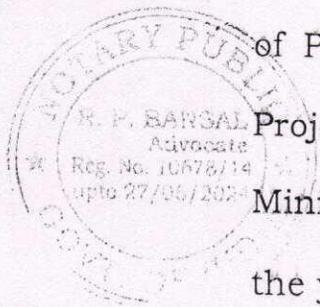
6. From the above, it is evident that the Purushothapatnam Lift Irrigation scheme has been taken up by the Water Resources Department, State of Andhra Pradesh, and the State Government has not applied for any prior clearances.

7. It is submitted that the Purushothapatnam Lift Irrigation Scheme is using the existing structure of Polavaram Project for providing drinking water facility. In this regard, Polavaram Project Authority should seek prior permission from the Ministry for allowing to use its existing structures by Purushothapatnam Lift Irrigation Scheme.

8. It is submitted that the present scheme has been taken up to reap the early benefit of Polavaram Project till the completion of construction of Polavaram project. The Polavaram Project is declared as National Project and has been developed by the Polavaram Project Authority. The Ministry has granted Environment Clearance to Polavaram Project in the year 2005.

9. It is for the Polavaram Project Authority to seek permission from the Ministry to allow to use the existing structure for drinking water

Sunamari Zerkette



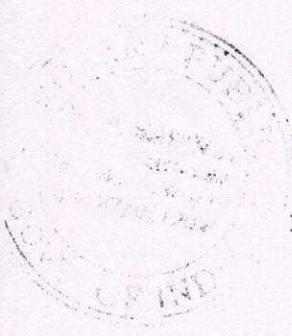
supply by lifting water from River Godavari through Purushothapatnam Lift Irrigation Scheme which has been constructed by Water Resources Department, State of Andhra Pradesh.

10. It is submitted that in response to the Show-cause notice issued to Polavaram Irrigation Project, it has been clarified that Purushothapatnam Lift Irrigation Scheme is not a part of Polavaram Irrigation Project. The Central Water Commission (CWC) has also clarified the same and has stated that **"DPR of Purushothapatnam Lift Irrigation Scheme (PLIS) has never been cleared/accepted by the CWC. As per Section 90 of Andhra Pradesh Reorganization Act, 2013, Polavaram Irrigation Project (PIP) was declared as National Project. While appraising the 2nd Revised Cost Estimate of PIP, Purushothapatnam Lift Irrigation Scheme was not appraised as part of PIP and Government of India is not reimbursing the expenditure incurred by the State Government of this project"**.

Therefore, lifting water through Purushothapatnam Lift Irrigation Scheme into the existing structure of Polavaram Irrigation Project requires permission/amendment of Environmental Clearance issued to the Polavaram Irrigation Project, failing which lifting of water cannot be done.

Further, it is submitted that Purushothapatnam Lift Irrigation Scheme meant only for lifting water for drinking and industrial use, therefore, provisions of Environment Impact Assessment (EIA) Notification 2006 is not applicable.

Srinivas Reddy



11. In view of the above mentioned facts, this Hon'ble Tribunal is graciously requested to pass any orders as may deem fit in the interest of justice. The Answering Respondent prays accordingly.

Sunaman Kereketta

Deponent
(डा. एस. केरेकेट्टा)
(Dr. S. KEREKETTA)
निदेशक/Director
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION

I, the above named deponent do hereby solemnly affirm and state that the contents of above mentioned are true and correct to the best of my knowledge and based on record and I have not suppressed any material fact.

Verified at New Delhi on this the 27 day of January, 2020

Sunaman Kereketta

Deponent
(डा. एस. केरेकेट्टा)
(Dr. S. KEREKETTA)
निदेशक/Director
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

Vinayak
Identified by

ATTESTED

Notary Public, Delhi
(As Presented)



27/01/2020

~~265~~

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

265

ORIGINAL APPLICATION NO. 175 OF 2018

IN THE MATTER OF:-

JAMMULLA CHHONDARAIAM

.....
... APPLICANT

VERSUS

UOI & ORS.

.....
... RESPONDENTS

PROOF OF SERVICE

S. NO.	ADVOCATE NAME	SIGNATURES
1	SRAVAN KUMAR - MAIL	
2	G.N. REDDY - MAIL	
3		
4		
5		
6		
7		
8		
9		
10		

266



OA 175/2018 - 350/2018

1 message

Vinayak Gupta <guptavinayak29@gmail.com>
To: advsravan@gmail.com, gnreddyactindia@hotmail.com

Mon, Jan 27, 2020 at 2:10 PM

Sir,

Kindly find attached the affidavit on behalf of MoEF in the above captioned matter.

Regards,

Vinayak Gupta