

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

ORIGINAL APPLICATION NO. 260 OF 2020 (SZ)

IN THE MATTER OF:

Beerla Ilaiah

.....Applicant(s)

Versus

State of Telangana and others

.....Respondent(s)

**REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE
O.A. No. 260 OF 2020 IN THE MATTER OF BEERLA ILAIAH VS
STATE OF TELANGANA AND OTHERS BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI**

Place: Hyderabad

Date: 30.06.2021

**REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE
O.A. No. 260 OF 2020 IN THE MATTER OF BEERLA ILAIAH VS
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NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI**

1. Introduction

In order to ascertain the genuineness of the allegations and also the necessity for obtaining Environmental Clearance, the Hon'ble National Green Tribunal, Southern zone, Chennai vide order dated 17.12.2020 appointed a Joint Committee comprising the members of (1) The District Collector, Yadadri Bhuvanagiri District of Telangana State or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate deputed by the District Collector (2) a Senior Officer from Ministry of Environment, Forests and Climate Change, (MoEF& CC) Regional Office, Chennai, (3) Senior Officer from Telangana State Environment Impact Assessment Authority (TSEIAA) (4) The Superintending Engineer of Telangana State Roads & CRN Roads & Buildings Departments, who is in charge of this project and (5) Senior officer from minor irrigation department of state of Telangana who is incharge of that area, to inspect the area in question and submit a factual as well as action report, if there is any violation found.

In the above said order Hon'ble NGT appointed Ministry of Environment, Forest, Regional Office, Chennai as nodal agency for co-ordination and for providing all necessary logistics for this purpose. The new Integrated Regional Office, Hyderabad of MoEF&CC has been established vide order 1-5/2013-ROHQ, dated 13.08.2020. As the matter falls within jurisdiction of Telangana, it has been forwarded to IRO, MoEF&CC, Hyderabad for necessary action. Deputy Director General of Forest (DDGF,

Central) has nominated Dr. E. Arockia Lenin, Scientist C, IRO, Hyderabad, MoEF&CC to be part of the committee, as IRO, MoEFCC, Hyderabad is also under the Administrative control of DDGF(C).

2. Constitution of the Joint Committee:

In compliance with the directions of the Hon'ble NGT, the Joint Committee has been constituted vide letter no. EP(A)/NGT(SZ)/077/TS/2021/05 dated 22.02.2021. Joint Committee comprising the following members based on the Officers deputed/ nominated from the Authorities concerned:

- i. Shri. D. Srinivas Reddy, Additional Collector (Revenue),
Yadadri Bhuvanagiri District.
- ii. Shri. V. Srinivas, Superintending Engineer,
Irrigation Circle, Bhongir.
- iii. Shri. Vasanth Nayak, Superintending Engineer,
Sangareddy circle.
- iv. Shri. G. Gangadhar, JCEE, TSPCB/Secretary,
State Expert Appraisal Committee (SEAC),
- v. Dr. E. Arockia Lenin, Scientist C,
Integrated Regional Office, MoEF&CC, Hyderabad.

3. Terms of Reference (ToR) to the Joint Committee:

The Terms of reference (ToR) to the Joint Committee referred therein the Order dated 17.12.2020 of Hon'ble NGT in the above matter Inter-alia include the following:

- i. The committee is directed to ascertain the nature of the project and the requirement of environmental clearance and,

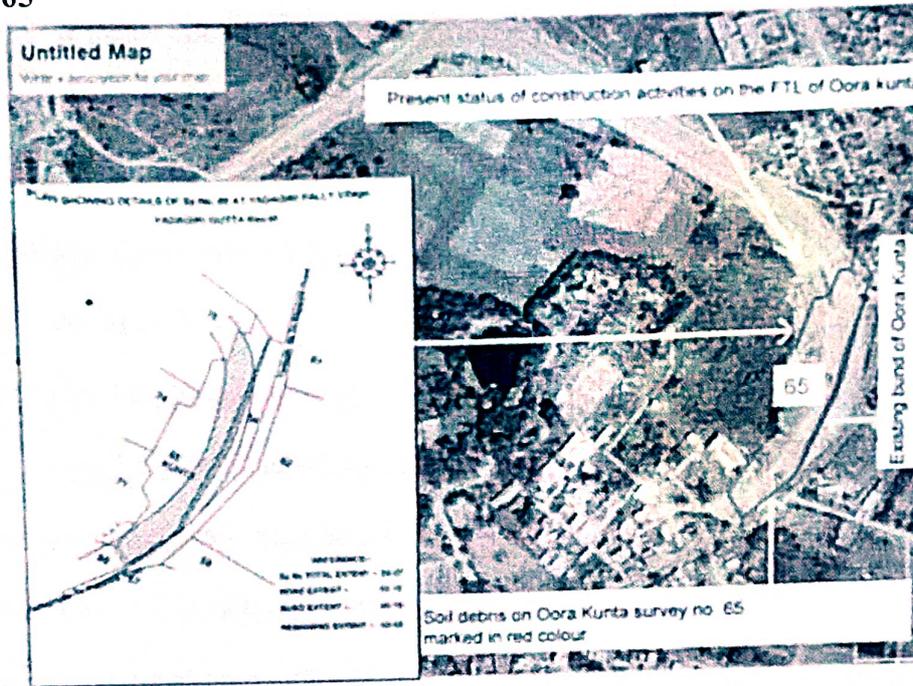
- ii. whether there is any violation of environmental law committed by the project proponent in undertaking the project through the alleged water bodies and,
- iii. If there is any environmental damage caused, assess the environmental compensation and, suggest the remedial measures to be taken for restoring the damage caused to the environment or alternate method by which the project can be allowed to continue by providing necessary precautionary measures to protect the water bodies as well as the alleged eco-sensitive zone of the hill.

4. Background:

Oora Kunta Chruvu: Oora Kunta Chruvu/Kunta is a fresh water body located at Yadagiripally, Yadagirigutta Mandal, Yadadri Bhongir District. As per irrigation records, the total ayacut area of this Oora kunta is 14.01 acres. The capacity of tank is 1.17 million cubic feet (Mcft). The FTL of the tank is 5 acres. The length of the bund is 300m. This tank receives water from the upper tank located from 1.5km.

Further, two hillocks are located around the upper tanks which serve as the catchment area to supply water to downstream area of Oora kunta chruvu. Further, it was observed that these tanks receive water mainly during rainy season and as per Google earth images it shows that agricultural activities were existed before construction activities between two water bodies.

a) Affected area in Oora Kunta due to construction activities in survey no.65



b) The Survey number and land status of Chuttu Kunda Lake is given below.

S.No	Survey No.	Patta/Govt.	Dry/Wet
1	65	Govt	Shikam

c) Details of Name, standards of tank etc. (as per irrigation records)

S.No		
Standards of the Tank		
4	Ayacut in Acres	14.01 Acres
5	Capacity of Tank	1.17 Mcft (million cubic feet)
6	Submergence at F.R.L./tank FTL	5.00 Acres
7	F.T.L	+100.000
8	M.W.L	+100.300
9	T.R.L	+100.900
10	T.B.L	+101.500
11	Length of bund	300m
Side slopes U/s & D/s: 11/2: 1, 2:1		
12	Weir (Length)	25m
13	Tank Geo-ID	789523175901
14	Tank UID	80970400801302

5. Background:

This project is laying of six lane ring road around the temple of Yadagiriguta Laxmi Narasimha Swami Hills having the distance of 5.20km long green field alignment by State Government of Telangana in Yadagiriguta of Yadadri Bhuvanagiri district. The proposed alignment is new alignment passing nearby National Highway 163. Proposed alignment is affecting FTL of Oora kunta which is notified water body as per irrigation records. Presently, Soil debris has been kept inside of FTL of the Oora Kunta. As the FTL of the lake is affected due to unloading of soil debris, the applicant approached Hon'ble NGT to stop the further filling of soil in the buffer zone as it affects the ecosystem of the lake. In these circumstances, the joint committee has been constituted as per direction of Hon'ble NGT vide order dated 17.12.2020. Site visit of joint committee has been carried out on 25.02.2021.

6. Meeting of the Joint Committee:

In compliance with the Order dated 17.12.2020 of Hon'ble NGT in the above matter, Joint Committee Constituted vide letter No. EP(A)/NGT(SZ)/077/TS/2021/05, dated 22.02.2021. The meeting of the Joint Committee was held on 25.02.2021 at District Collectorate, Yadadri Bhuvanagiri District. The meeting was coordinated by Integrated Regional Office, MoEF&CC, Hyderabad, since MoEF&CC designated as Nodal Agency. All the members of joint committee were attended in the said meeting. As part of natural justice and as consented by all the members of the Committee, applicant was informed over phone to attend the meeting to express his views. However, applicant was not present during the meeting due to personal reasons. On behalf of project authority, Superintending

Engineer has submitted the view of project Authority. During the meeting of Joint Committee, members discussed the facts, issues and prayers in the above case and the Terms of the Reference (ToR) to the Joint Committee referred therein the Order dated 17.12.2020 of Hon'ble NGT.

7. Submission of Project Authority

- i. The project authority is submitted that Sri Laxmi Narasimha Swamy Vari Devasthanam is located at Yadagirigutta in Telangan State. This temple is situated beside the National Highway No 163 (i.e. Hyderabad to Bhupalpally). Keeping in view of popularity and importance of Temple, the Government of Telangana has planned for development of the temple and Yadadri Temple Township. Yadadri Temple Development Authority (YTDA) has been constituted by State Government to carryout development activities and promote the area as a premier Shrine and cultural centre for temple tourism.
- ii. The project authority is submitted that, as part of this program YTDA has planned to develop VIP cottages, Dormitories, Quarters, Shopping Complexes, Srivari Udyana Vanam garden, bus terminals, central parking areas, recreation facilities, Pushkarni Nithya annadanasatram, Vrathamantapam, Kalyanakatta and other required infrastructure.
- iii. Further, it is submitted that in the guidance of Hon'ble Chief Minister of Telangana Government is developing the main temple as Divya Kshethram like Tirumla Tirupthi Devasthanam with the above proposed development activities there may be enormous increase in the movement of pilgrims around Yadadri temple area. Various works

have already been taken up including Temple Renovation and some of the works are in progress.

- iv. The project authority is submitted that, to meet the expected traffic and including the future growth of the temple, the Government has planned to provide six lane Ring Road around the upcoming temple complex. The alignment is finalized keeping in view of design speed and to match the alignment passing through the entire open lands beyond Km 1/8 to 4/4, and remaining reach in existing road in builtup area i.e. Km 0/0 to 1/8 and km 4/4 to 5/2.
- v. The project authority is submitted that the Government of Telangana State, Transport Roads & Buildings department has accorded Administrative sanction for an amount of Rs. 143.00 Crores vide G.O Ms. No. 106 T (R&B) R-II Dept., dated 28.02.2018 for 6 Lane Ring Road around Yadadri Temple along with New Ghat Road landing towards N-E corner and Link roads 5.2 km in Yadadri".
- vi. The project authority is submitted that Oorakunta Tank located in reach 4/050 to 4/350 with 1. 17mcft. The formation of ring road in this reach is proposed along the existing bund portion. Existing bund is widened to form the ring road.
- vii. The project authority is submitted that this office addressed a letter to the Executive Engineer Irrigation & CAD Yadadri- Bhongir vide letter No. DB/D1/2018-19/Ring Road/16, dated 20.02.2020 to accord permission to proceed with the work over the existing bund portion of Oorakunta tank as the alignment is passing in km 4/050 to 4/35. In response to the letter the Superintending Engineer Irrigation Circle Nalgonda has inspected the site and necessary permission is accorded to continue the formation six lane ring road which is around the

upcoming temple complex vide letter No. SE/IC Nalgonda/DEE/T1/2019-20, dated 06.03.2020 with following precondition.

- The capacity of Oorakunta Tank shall be maintained to 1.17mcft.
 - Inner side to the bund, revetment may be provided.
 - The FTL shall be maintained by constructing new weir with the level as shown by the irrigation department
- viii. The project authority is submitted that No Violation of EIA Notification,2006 forming 6 lane ring road around Yadagirigutta having 5.2 km long is not going through ecologically sensitive areas such as water bodies, hills etc. 5.2 km long 2.6km passing through green field with 60.0mt wide and rest is expansion of existing road with 33.5 mtr wide,and it is to submit that not violated the Section 50 of the Telangana Act prior permission is obtained from the competent officer, for widening the existing Oorakunta lake.,
- ix. The project authority is submitted that even after widening of existing Oorakunta lake sufficient open land is available to catch hold the run off coming from catchment area and no flooding is taken place during the rains in the month of October, 2020 and residential area is existing in the buffer zone and excess run off spill over through the existing Box culvert. The excess embankment formed while laying six lane ring road is being trimmed cut down to required slope and gradient will be removed after completion of road work as usual process.
- x. The project authority is submitted that No tree cutting is being taken up while forming ring road as the entire road passing through green field is wet agriculture land without obstructing trees. No Flora and

fauna effected /destroyed in the Oorakunta tank as it is locally feeder tank not perennial source of water. It is further submit that the existing Gandhi cheruvu which is connected with feeder channel to the Oorakunta tank is being converted into Thepotham tank for performing yearly rituals of Sri Laxminarasimha Swami is linking with Kaleshwram feeder canal to fill up with fresh water duly disconnecting with catchment run off and local storm water and drainage to avoid the contaminated water from upcoming new colonies developing as such no surplus water will flow into Oorakunta from the Gandhi cheruvu

- xi. The project authority is submitted that Six Lane Ring Road is nearing completion except some of road safety intervention and road safety engineering, utility ducts and to an extent possible the regular traffic also allowed wherever road connectivity is given and Ghat Road landing towards N-E corner is in progress and Link road, change of alignment at this juncture is not possible and burden to Government.

7. Terms of Reference (ToR) & Observation of the Joint Committee:

i) Terms of Reference (TOR) of the committee:

- a. To ascertain the nature of the project and the requirement of environmental clearance and
- b. Whether there is any violation of environmental law committed by the project proponent in undertaking the project through the alleged water bodies and,
- c. Whether there is any violation of environmental law committed by the project proponent in undertaking the project through the alleged water bodies and,

d. If there is any environmental damage caused, assess the environmental compensation and,

ii) **Observations:** Based on the deliberations held during the meeting of the Joint committee followed by site inspection of the area in question, the point wise observations and recommendations by the Joint Committee are given below.

a) **To ascertain the nature of the project and the requirement of environmental clearance and**

It is humbly submitted that clarification on the requirement of Environmental clearance pertaining to this condition has been sought by the committee to MoEF&CC. In response to the request submitted by committee, the details of requirement of Environmental clearance as submitted by MoEF&CC are as follows,

“As per EIA Notification, 2006, as amended, Highways/Expressways are covered under the schedule of EIA Notification 2006, with following criteria.

<i>Sl</i>	<i>Item</i>	<i>Cat-A</i>	<i>Cat-B</i>	<i>Conditions if any</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>7(f)</i>	<i>Highways</i>	<i>i) New National Highways; and ii) Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignment and 60 m on re-alignment or by-passes</i>	<i>i) All New State Highway Projects; ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and ecologically sensitive areas I.</i>	<i>General Condition shall apply Note: Highways include expressways.</i>

In view of the above, the proposed proposal may be considered accordingly as per rule position under the EIA Notification, 2006 and as amended”

“Considering the above criteria, the Joint committee is humbly submitted to Hon’ble NGT that, this project may falls under category B, column 4 (i), if this proposal comes under either state Highway or Expressways. However, the project authority has submitted that this project will not come under category of neither Highways nor Expressways, (copy of letter is attached-Annexure-1) and therefore, the Hon’ble NGT may take appropriate decision as deemed fit”.

b) Whether there is any violation of environmental law committed by the project proponent in undertaking the project through the alleged water bodies and,

Joint committee is humbly submitted to Hon’ble NGT that this project may falls under category B, column 4 (i), if this proposal considered as either state Highway or Expressways. However, the project authority has submitted that this project will not come under category of neither Highways nor Expressways, and therefore, Approval from State Environment Impact Assessment Authority (SEIAA), Telangana is needed, only if the proposal falls under the said category of EIA notification 2006.

It is further submitted that project authority has obtained permission from Irrigation department No.SE/IC Nalgonda/DEE/T1/2019-20, dated 06.03.2020 with following preconditions.

- The capacity of Oorakunta Tank shall be maintained to 1.17mcft.
- Inner side to the bund, revetment may be provided.

- The FTL shall be maintained by constructing new weir with the level as shown by the irrigation department.

Therefore, considering the above mentioned facts, the Hon'ble NGT may take appropriate decision as deemed fit".

c) If there is any environmental damage caused, assess the environmental compensation and,

Joint committee is humbly submitted to Hon'ble NGT that detailed EIA study is required from the recognized institute i.e. CSIR, NEERI or any institute to assess the exact environmental damages and compensation. However, based on submissions from Irrigation, Revenue departments and Google earth images, Joint committee has able to understand the present and past status of Oora Kunta, ecosystem of surrounding area before and after construction activities.

Based on the preliminary observations, it was observed that there were two water bodies and hillocks existed within the vicinity of the project area from 2017 to 2021 (source: Google images 2017 & 2021). Further, the area witnessed agricultural activities between these two water bodies before start of project activity. Further, those water bodies may be seasonal and not perennial and it depends on rainy season. No notified national park, wildlife sanctuaries by Government of India are located within the project area.

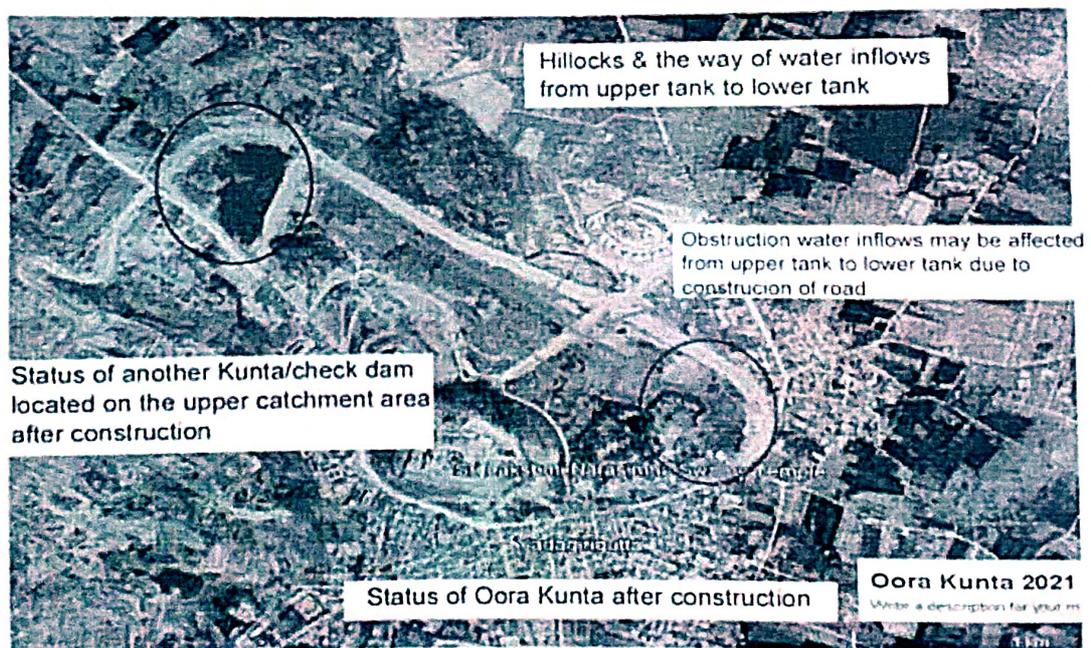
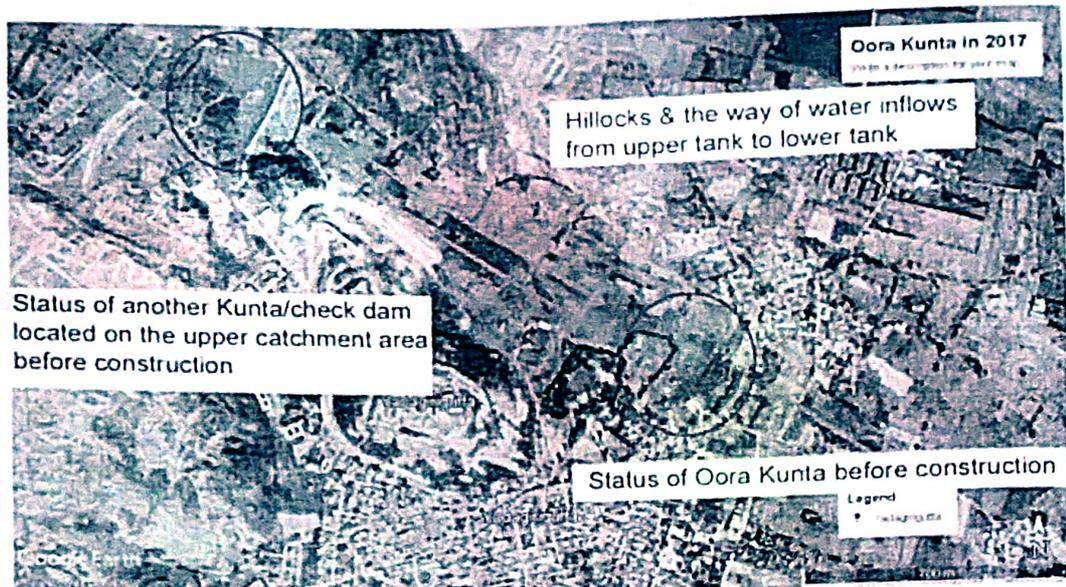
i) Environmental Damage based on the preliminary observation:

The following environmental impacts were observed by the committee

- The sizes of the water body has been reduced by the construction debris loaded on the water body
- The flow of water bodies has been disturbed from upper tank to lower tank due to construction of road

- Some part of hillocks has been affected due to construction
- As of now, agricultural activities were not observed as existed before construction

Status of area before and after construction is given below.



ii) Environmental Compensation:

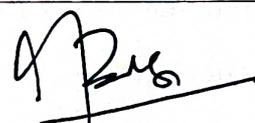
Joint committee feels that environmental compensation may be calculated based on the violation committed by the project authority. As of now, the joint committee was not able to come to conclude clearly on the requirement of environmental clearance, as it was submitted that this project not comes under either Highway or Expressway. It is humbly submitted that the committee is depending upon the decision of the Hon'ble NGT on the requirement of environmental clearance and proper EIA study by recognized institute. Therefore, the Hon'ble NGT may issue appropriate order as deemed fit".

d) Suggest the remedial measures to be taken for restoring the damage caused to the environment or alternate method by which the project can be allowed to continue by providing necessary precautionary measures to protect the water bodies as well as the alleged eco-sensitive zone of the hill.

Based on the preliminary observations, Joint committee is humbly submitted to Hon'ble NGT that the following implementations are recommended for restoration of Oora Kunta

- i. The project authority shall remove debris filled on the site and restore the Oorakunta.
- ii. The project authority shall strengthen the bunds of Oora Kunta with appropriate concrete structure and stone pitching in consultation with Irrigation department
- iii. The project authority shall ensure the FTL of Oora Kunta either by giving additional land for widening or deepening of the lake.

- iv. The project authority shall ensure the siltation of Oora Kunta regularly in consultation with irrigation department
- v. The project authority shall provide separate canals to maintain the flow of water from the upper tank to lower tank during the rainy season. The canal shall be provided in such way that it shall hold peak/sudden rain fall.
- vi. The project authority shall provide culvert beneath road constructed between the two tanks and wherever the flow of the water stopped due to construction of road.
- vii. The agricultural activities were affected due to project activity both losing land and water resource. Therefore, the project authority shall develop, Kunta/check dam in the down stream / upper stream area to facilitate agriculture activities in consultation with agriculture & irrigation department.
- viii. The project authority shall provide Sewage Treatment Plant (STP) concerning future expansion of projects and ensure that no effluents shall be discharged into canals and lake.
- ix. The project authority shall develop green belt with native species around the water bodies

S. No	Details of Joint Committee Member	Signature
1	Shri. D. Srinivas Reddy, Member Additional Collector (Revenue), Yadadri Bhuvanagiri District.	
2	Shri. V. Srinivas, Member Superintending Engineer, Irrigation Circle, Bhongir.	 SE, IC, Bhongir

3	Shri. Vasanth Nayak, Member Superintending Engineer, Sangareddy circle	 SUPERINTENDING ENGINEER (R&B) SANGAREDDY CIRCLE
4	Shri. G. Gangadhar, Member JCEE, TSPCB/Secretary, State Expert Appraisal Committee (SEAC),	 Joint Chief Environmental Engineer Telangana State Pollution Control Board Sanathnagar, Hyderabad.
5	Dr. E. Arockia Lenin, Member & Nodal Agency, Scientist C, IRO, MoEF&CC, Hyderabad	 डॉ. ए. आरुकिया लीनिन DR. E. AROCKIA LENIN शैक्षणिक सी SCIENTIST 'C'

पर्यावरण, वन एवं अखंडता विभाग
 Ministry of Environment, Forest & Climate Change
 पर्यावरण शैक्षणिक आयोग, हैदराबाद-50
 Integrated Regional Office, Hyderabad-500004

As sought by the Joint Committee, the MoEFC (Ministry of Environment, Forests Climate Change) has furnished the requirement of Environmental clearance and after going through the same, the Joint Committee has humbly submitted to the Hon'ble NGT that, this project may falls under category B, column 4 (i), if this proposal comes under either state Highway or Expressways. However, the project authority has submitted that this project will not come under category of neither Highways nor Expressways, and therefore, the Hon'ble NGT may take appropriate decision as deemed fit".

In this regard, it is submitted that the project of YTDA is prestigious project of Government of Telanagana and as a part of it, various development activities were proposed. As such, there will be enormous increase in the movement of traffic around Yadadri temple area and also the vehicles going to the temple area. To carter to the needs of developmental activities including future growth, 6 lane ring road around the upcoming temple complex is proposed around the Yadadri Temple.

Hence, the proposed project of, Forming 6 lane ring road around Yadadri Temple is purely intended to carter to the needs of the enormous quantum of developmental activities being taken up and also to the pilgrims/devotees to visit the temple.

The above project doesn't fall under category of either National Highways, State Highways nor Expressways in order to get the Environmental clearance to the said project as defined by the MoEFC (Ministry of Environment, Forests Climate Change), EIA notification, 2016 as amended.

As such, the project was taken up since the project doesn't require Environmental clearance and the Irrigation department has also given concurrence to proceed with the project as there was no Environmental damage caused and no violation of the Environmental Law committed.

Hence, I kindly request to apprise the matter to the Joint Committee so as to place the same before the Hon'ble NGT duly informing that the said project does not require Environmental clearance.

Yours faithfully

Superintending Engineer (R&B)
Circle, Sangareddy.

(u)
28/6/21

- Copy submitted to the E-in-C(R&B)SR&CRN,Hyd for favour of Kind information.
- Copy submitted to the VC&CEO, YTDA, for favour of Kind information.
- Copy to the Executive Engineer (R&B) Division, Yadadri-Bhongir, for taking further necessary action in the matter.