

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

M.A. NO.3 OF 2024

IN THE MATTER OF:

State of Telangana.

...Applicant(s)

- Vs-

Union of India
Rep by its Secretary,
Union Ministry of Environment,
Forest & CC Indira Paryavaran Bhavan Jorbagh,
New Delhi – 110001.

...Respondent(s)

**REJOINDER OF THE STATE OF TELANGANA TO THE COUNTER AFFIDAVIT
OF THE STATE OF ANDHRA PRADESH**

Filed by:

ADVOCATE FOR THE STATE OF TELANGANA



Place: Chennai

Date: 04.06.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, (SZ), CHENNAI

M.A.No. 3 of 2024

In

ORIGINAL APPLICATION NO.71/2020 (SZ)

State of Telangana

...Applicant

Vs

Union of India and others

...Respondents

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, (SZ), CHENNAI

State of Telangana

...Applicant

And

Union of India

Rep by its Secretary,

Union Ministry of Environment, Forest & CC

Indira Paryavaran Bhavan

Jorbagh, New Delhi – 110001.

...Respondents

**REJOINDER OF THE STATE OF TELANGANA TO THE
RESPONSE OF THE STATE OF ANDHRA PRADESH**

MOST RESPECTFULLY SHOWETH:

1. It is respectfully submitted that the State of Telangana is filing the present Rejoinder to the Counter Affidavit filed by the State of Andhra Pradesh to the Application of the State of Telangana in M.A 3 of 2024 on 07.02.2024.
2. It is humbly submitted that the State of Telangana denies each and every averment and allegation raised by the State of Andhra Pradesh in its Response unless the same are expressly admitted herein.

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The State of Telangana also humbly craves leave to refer and rely on its Application M.A 3 of 2024, and averments therein and its pleadings and evidence filed in the reference, where relevant, in response to the averments raised in the present Response.

3. It is submitted before this Hon'ble Tribunal, that with regard to the averments made in **Para nos 3 & 4**, the Rayalaseema LIS project is unauthorized and illegal. The alleged justification to have this project is without any basis. The RLIS is an entirely new proposal that was never contemplated earlier in any formal or informal water sharing planning frame work. Further, the claim of AP that the scheme is intended to meant for drinking water and irrigation needs of the Rayalaseema region is incorrect and misleading. The orders of this Hon'ble Tribunal in OA. The 71st of 2020, dated 29.10.2020, makes it clear that there is an irrigation component in the RLS Project, and an environmental clearance is required for proceeding with any work. However, it seems as though the state of Andhra Pradesh is trying to circumvent the orders of this Hon'ble Tribunal by now stating that the project is being implemented in a phase-wise manner, wherein phase-1 is the drinking water component and is operational. A plain reading of the order dated 29.10.2020 passed by this Hon'ble Tribunal makes it clear that a prior EC is required for any work due to the existing component of irrigation.

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4. It is humbly submitted, that there is no need nor any necessity to have a project lifting water from the dead storage of Srisaillam reservoir that too from the rock bottom level of +797. The capacity to lift being to an extent of 3 TMC/ day itself shows the malafide intention to deprive the in basin needs. If such a large volume of water is diverted to outside the basin, it would usurp all the initial inflows and 75% dependable flows at Srisaillam reservoir thereby adversely affect the assured allocations of Telangana and jeopardize the in basin water requirements. These excessive draws would adversely affect the livelihood of the inhabitants, flora and fauna of the river ecosystem as well as interests of lower down projects. The project itself is planned and being executed in violation of the orders passed by KWDT-I and NGT.

5. It is submitted, that the KWDT-I stipulated that for future projects (i.e projects taken up after September, 1960) projects diverting water to in basin should be given priority and allocated water to future projects accordingly (Pg.128 of KWDT-I). It is also being executed without any concern to the inflows and water availability at Srisaillam and the dependability at which water is to be made available for projects serving outside the basin. Further, claim of Andhra Pradesh that there is no additional demand and additional ayacut under this project except to meet the allocated share either by lift or gravity is denied. The residual State of Andhra Pradesh does not have any assured allocation from Srisaillam except for Srisaillam

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Right Bank Canal (SRBC), which is also challenged by Telangana before existing Hon'ble KWDT-II. It is emphasized that when no new ayacut is going to be created, there is absolutely no requirement of this project as the Pothireddypadu Head Regulator with 11,150 cusecs has been drawing much more than its earmarked share of 34 TMC (Chennai Water Supply Scheme (CWSS) -15 TMC & SRBC-19 TMC) as per its statement appeared in the counter. (Extracts of KWDT-I (Pg.104, 128 & 181-182) is enclosed as ANNEXURE-1).

6. It is further submitted before this Hon'ble Tribunal, that the KWDT-I Award clearly states, that Srisaillam is a hydroelectric project and no outside basin diversions are allowed from the project. It is to state that the inter-state agreements of 1976/1977 for CWSS allowed an open lined canal of 1500 cusecs capacity from the Srisaillam reservoir. But, in breach of the agreement of 1976 & 1977, the canal was enhanced to 11,150 cusecs, later further enlarged to 44,000 cusecs and to over 80,000 cusecs by Andhra Pradesh. All these issues are pending before KWDT-II. And in the year 2020, the G.O.Rt.No.203, dated 05.05.2020 was issued by the Andhra Pradesh Government to enhance the capacities further to 92,592 cusecs. Further, all projects or activities including expansion and modernization of existing projects shall require prior Environmental Clearance from MoEF, Central Government on the recommendations of Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purpose of

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Notification. But Environmental clearance was not obtained by the Respondent No.3. The above facts are already furnished by the Applicant state before Hon'ble NGT in its counter affidavit dated 10.08.2020.

7. It is therefore humbly stated that in view of the above, the Rayalaseema LIS is to be treated as a new project intended to divert substantial Krishna Waters outside the basin adversely affecting the projects and inhabitants dependent on the Srisailem Reservoir lower down. In view of the above, this scheme requires all mandatory clearances from MoEF and taking up of the same without such clearances and approval of Apex council as per APRA, 2014 is illegal and need to be restrained by this Hon'ble Tribunal.
8. It is further humbly submitted that the Supreme Court by order dated 16-05-2025 passed in WP (C) No. 1394 of 2023 and batch has set aside the Notification issued by MOEF&CC dated 14-03-2017 and the Office Memorandum issued on 07-07-2021 by way of which the project could apply for an EC after the commencement of the project.(ANNEXURE-2)
9. It is submitted before this Hon'ble Tribunal that, the State of Andhra Pradesh having started a new project without obtaining an EC, is no longer legally permitted to continue the project after the orders of the Supreme Court dated 16-05-2025. It is therefore prayed that

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directions be passed by this Hon'ble Tribunal to stop the RLIS in toto.

10. Be that as it may, it is humbly submitted, that, in the minutes of 25th meeting of EAC of MoEF held on 27.02.2025, in the agenda item No.25.2, it has already recommended for restoration of the construction site of RLIS to Pre-DPR stage. This Hon'ble NGT may kindly direct the MoEF & CC to implement the recommendations. (A copy of the 25th EAC minutes dated 27.02.2025 is enclosed as **ANNEXURE-3**)

11. It is submitted before this Hon'ble Tribunal, that with regard to the averments made in **Para no 5 & 6** are denied. As per the inter-State Agreements 1976 & 1977 and as per the DPR of SRBC, the State of Andhra Pradesh is permitted to draw only 34 TMC (15+19) of Krishna water from the Pothireddypadu regulator of Srisailem reservoir between July to October during the flood period and no water is to be drawn beyond October from the Srisailem reservoir without prejudice to the claims of Telangana before the existing Hon'ble KWDT-II. Further, G.O 203 issued in guise of stabilization of the canal system, all the related systems including Banakacherla cross regulators and the canals down stream of it and the re-grading the rivers below the escape regulator, the tunnels and reservoirs etc were enhanced enormously to carry those enhanced discharges to Pennar basin areas and beyond.

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12. It is brought to the notice of this Hon'ble Tribunal, that there was a mismanagement of Nagarjunasagar and Srisailem spillway gates operation which created the havoc in the 2009 floods. It is to state that spillways are designed to take care of the floods corresponding operating schedule are also made available and canals never designed for flood management. The Banakacharla cross regulators were constructed in the years 1980's contravening the KWDT-I award and further enhancing is very unfortunate. There is no allocated water agreed between Andhra Pradesh and Telangana.

13. It is humbly submitted that with regard to the averments made in **Para no 7**, the taking up of the Rayalaseema LIS by Respondent No. 3 would adversely affect the flows to above projects of State of Telangana. Further, it is submitted that, PRLIS and Dindi LIS were taken up by the erstwhile Andhra Pradesh and now Telangana is seeking allocation out of assured waters before Hon'ble KWDT-II.

14. It is humbly submitted that with regard to the averments made in **Para no 8 & 9**, the issue of equitable entitlement of both the States to water in the river Krishna is pending before the KWDT-II under Further Terms of Reference. There was no agreement between Andhra Pradesh and Telangana on 18th – 19th June 2015 and it was only an adhoc arrangement for one year 2015-16. The State of Andhra Pradesh has distorted the contents of the minutes of meeting

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of the 1st and 2nd Apex Council meetings. In the 1st Apex Council meeting, it was decided to continue the ad-hoc arrangement of use of water only for the year 2016-17 also. In the 2nd Apex Council meeting, while initiating the discussion on various aspects, the Addl. Secretary, Govt. of India mentioned about the sharing of Krishna river water based on KWDT-I Award. This observation by itself does not mean the water use to be in the ratio of 512:299 (AP:TS). Further, there is no decision recorded in this regard in the minutes of meeting. Andhra Pradesh trying to prolong this adhoc arrangement which deprives Telangana of its rightful share of water. It was stated that the present arrangement of water sharing was only an ad-hoc arrangement in the ratio of 512 TMC: 299 TMC for Andhra Pradesh and Telangana respectively and given the principles of allocation, this ratio is likely to be reversed. It was stated that in the absence of any specific direction, Respondent No. 3 could not take up projects to divert further waters especially for use outside basin disturbing the ecology of Krishna basin. It is stated that the projects of Applicant namely, PRLIS and Dindi were also taken up by the erstwhile combined State of Andhra Pradesh by issuing G.O for PRLIS vide G.O. Ms.No.72 dated 08.08.2013, (Exhibit TS-223, pg.102 TAC Vol-III) for the preparation of a DPR to irrigate 10 lakh acres by lifting 70 TMC of flood water from Jurala reservoir, before June, 2014 based on this liberty granted by KWDT-1 to use the remaining waters. Respondent No.3, with an intention to stall the progress of these projects, is contending that these projects are taken

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up without statutory MoEF Clearances. The State of Telangana in the process of obtaining Environmental Clearance for PRLIS which serves 12.3 lakh acres of drought prone area in Krishna basin, issued G.O.Rt No.246 dated 18.08.2022 showing the availability of 90 TMC dependable water to this project i.e 45 TMC of under-utilisation in minor irrigation of Telangana and availability of 45 TMC upstream of Nagarjunasagar Project due to clearance of Polavaram project by CWC in 2009. The DPR for the PRLIS was submitted to the CWC on 13.09.2022, seeking Technical Advisory Committee (TAC) approval. Presently the appraisal is pending with CWC. It is emphasized that the Applicant has already acquired the Environment Appraisal Committee (EAC) of MoEF & CC, Government of India, recommended the PRLIS project for consideration of Environmental Clearance during its 49th Meeting convened on 24.07.2023. Applicant is also in the process of acquiring further statutory clearances from the Government of India for Palamuru Rangareddy LIS. Telangana is following the due procedure laid down by law. The copy of the Minutes of 49th EAC is enclosed herewith as ANNEXURE-4.

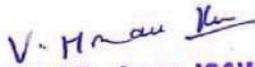
15.It is humbly submitted that with regard to the averments made in **Para no 10**, it is to state that vide G.O 206, dt.18.11.2006, Respondent No.3 accorded the approval for Construction of new cross regulator for a discharging capacity of 22,300 cusecs for SRBC arm at Banakacherla cross regulator which is constructed, which is


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also an unauthorized and no approvals are given. All these are related to G.O 203 issued by Respondent No.3. Further periodical repairs, permanent infrastructure cannot be created by the Respondent No.3. A copy of the G.O Ms.No. 206 and a copy of the photograph showing the additional regulator as displayed at the project site are enclosed as **ANNEXURE-5**.

16. It is submitted before this Hon'ble Tribunal, that with regard to the averments made in **Para no 11**, the water divert through Pothireddypadu head Regulator and Banakacharla can be further diverted through escape channel which eventually join kundu river. Further, it is to inform that the said G.O. 388 appears to have been issued in continuation to the administrative sanction already issued in G.O. 203 dt.05.05.2020 for Rayalaseema Lift Irrigation Scheme. Telangana had already raised our concern to the KRMB and to stop the projects taken up under G.O. 203 dt.05.05.2020 vide letter dated 12.05.2020. The Orders of Andhra Pradesh are vindicating the stand of Telangana that Andhra Pradesh is creating an exhaustive infrastructure i.e. conductor system to divert all the Krishna waters to the outside basin i.e. in Pennar and other adjoining basins. A copy of the letter addressed to KRMB dt.12.05.2020 is enclosed as **ANNEXURE-6**.

17. It is submitted before this Hon'ble Tribunal, that with regard to the averments made in **Para nos 12 & 13**, Even though the DPR of RLIS submitted by Respondent No.3 to KRMB and CWC, the


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project has not been appraised by both till date. Further, it was stated that Govt of Telangana mentioned about the case filed by Gavinolla Srinivas, Resident of Telangana but not about the share of water regulations. Govt of Andhra Pradesh has been following the agreement between the two states on 18-19 June,2015 which has no validity. The facts regarding 18-19 minutes has discussed in earlier para 11. Further, Govt of Telangana is mentioning about the facts occurred before this Hon'ble Tribunal previously but not misuse of the Hon'ble Tribunal. Hence the averments are denied.

18. It is humbly submitted that with regard to the averments made in **Para no 14**, with regard to the new project, the paras 3 to 7 of the above is treated as reply to this para.
19. It is humbly submitted that with regard to the averments made in **Para no 15 & 16**, having no comments.
20. With regard to the averments made in **Para no 17**, it is Humbly submitted before this Hon'ble Tribunal, that the intention of Govt of Telangana is to showcase the deliberate attempts of State of Andhra Pradesh as how they take up and proceeded with the construction of large scale irrigation projects without obtaining Environmental clearance. It had proceed the construction of RLIS in the pretext of preparation of DPR, when Applicant state brought this issue before this Hon'ble NGT , Respondent No.3 had applied

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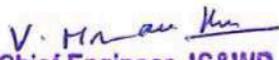
for EC. As per the EAC recommendations, the site of RLIS is to be restored to Pre-DPR stage before applying for Environmental Clearance.

21. It is submitted that with regard to the averments made in **Para no 18 & 19**, the State of Telangana has submitted DPR of PRLIS to the CWC and KRMB for appraisal. The procedure contemplated in terms of Section 84(3)(ii), 85(8)(d) of APRA, 2014 clearly indicates that the projects are required to be appraised by the KRMB and approved by the Apex Council. Upon obtaining the appraisal, the scheme of the APRA provides for the Apex Council to consider and grant its approval for the project. The State of Telangana is therefore following the lawful procedure specified in terms of the APRA. After the submission of the DPR, the appraisal process is currently underway. Following rigorous scrutiny, the Environment Appraisal Committee (EAC) of MoEF & CC, Government of India, recommended the PRLIS project for consideration of Environmental Clearance during its 49th Meeting. The entire process of the reallocation and obtaining statutory clearances for the project is with an intention to provide irrigation to severely drought prone areas in Mahabubnagar and Ranga Reddy districts and also to provide drinking water. This action of state of Telangana though in public interest to meet dire requirements, it is always subject to the final orders to be passed by this Hon'ble Tribunal. With regard to Dindi Lift Irrigation Scheme, the Original Application

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No.212/2021 was initiated by Andhra Pradesh before the Hon'ble National Green Tribunal (SZ) at Chennai. The Hon'ble NGT was pleased to dispose the matter and directed the State of Telangana to pay environmental compensation of Rs.92.85 crores. The State of Telangana questioned a said order before Hon'ble Supreme Court in Civil Appeal No. 001962/2023 on 24.03.2023. The Hon'ble Supreme court by its order dated 04.08.2023 granted conditional stay and the same was complied by the State of Telangana.

22. It is submitted that with regard to the averments made in **Para no 20**, Andhra Pradesh called for bids on 15.07.2020 and the work was awarded to SPML Infra Limited. The contractor commenced the work and this fact was suppressed/ withheld before this Hon'ble Tribunal. The State of Andhra Pradesh mislead this Hon'ble Tribunal as if the work order related only to take up detailed survey, investigation, preparation of designs and drawings.
23. It is humbly submitted that with regard to the averments made in **Para no 21**, it is to submit that on 10.08.2020, Applicant state filed its counter affidavit stating the facts and violations by Respondent No.3 before this Hon'ble NGT.
24. It is submitted that with regard to the averments made in **Para no 22**, the RLIS project is for the installation of a pumping system in Srisailam Reservoir from a level of 797ft to draw 3 TMC per day


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located near Sangameshwaram to let into Srisailem Right Main Canal (SRMC) at Km 4.00 from Pothireddypadu Head Regulator. Further Respondent No.3 is issued G.O 203 in order to draw up to 8 TMC per day and enhancing the conveying capacity of various outlets emanating from Banakacharla cross regulator to serve areas outside of Krishna basin.

25. It is submitted that with regard to the averments made in **Para no 23** having no comments.
26. It is submitted that with regard to the averments made in **Para no 24**, the Applicant state has objected the Joint Committee report and requested the Hon'ble NGT to ignore the Joint committee report. The objections of the Applicant State on Joint committee report is furnished before Hon'ble NGT vide dated 26.08.2020.
27. It is humbly submitted that with regard to the averments made in **Para no 25 & 26**, It is stated that the Rayalaseema LIS is a new addition to the existing Pothireddypadu and Muchumarri LIS which are intended to serve several lakhs of acres in Pennar and other basins namely SRBC - 1,90,000 acres, TGP - 2,75,000 acres, GNSS - 3,25,000 acres. As per the MoEF Notification dated 14.09.2006 all projects or activities included as Category-'A' in this schedule, including expansion and modernisation of existing projects shall require prior Environmental Clearance from MoEF, Central

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Government on the recommendations of Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purpose of Notification. In the appended Schedule to the above notification under item -1 (c), the River valley projects with more than 10000 hectares of CCA come under Category-'A' thus requiring prior Environmental Clearance. As such, this scheme has to be treated as a River Valley Project as it contemplates more than 10,000 Hectares (24,710 acres) of area and it falls in the Category-'A' which requires prior Environmental Clearance from MoEF and Central Government.

28. It is brought to the notice of this Hon'ble Tribunal that, the Govt of Telangana filed I.A.No.64/2020 seeking to recall the order dt: 11.08.2020 in the matter, this Hon'ble Tribunal by order dated 21.08.2020 was pleased to allow the said I.A. and recalled the order dated 11.08.2020 in O.A.No.71/2020 with a liberty to the State of Telangana to file its objections on or before 28.08.2020, to which date the matter is posted for hearing. In compliance with the said directions, the State of Telangana filed its objections to report of the Joint Committee on 26.08.2020 and thereafter the matter was taken up for hearing on 28.08.2020 and 03.09.2020 and the matter was reserved with a liberty to the parties to file written submissions if any. Expert Appraisal Report miserably failed to note that the present Rayalaseema Lift Irrigation Scheme is an additional scheme to the existing gravity canal having a capacity of 44,000 cusecs.

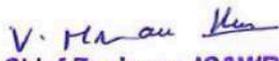

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Hence, it is a clear case of expansion and modernisation of the canal system. Further submitted that, by way of lining of Srisailem Right Main Canal (SRMC) as mentioned in G.O.RT.No. 203, the discharge capacity would be enhanced from 44,000 cusecs to 88,800 cusecs (i.e. about 8 TMC per day). This being so Govt of Telangana requested this Hon'ble Tribunal to restrain this project till it is appraised by the appropriate authorities and the matter is reopened. Later on, this Hon'ble NGT has stayed the construction of RLIS. Recent EAC recommendations by MoEF dt.27.02.2025 for restoration of the site to the Pre-DPR stage before applying for Environmental Clearance.

29. This Hon'ble Tribunal accepted the contentions of Telangana and disposed the matter in O.A 71 of 2020 in its order dated 29.10.2020.
30. It is submitted that with regard to the averments made in **Para no 27 & 28**, having no comments.
31. It is submitted that with regard to the averments made in **Para no 29 & 30**, the Applicant state filed Miscellaneous application in O.A 71 of 2020 and stated that, hectic preparation of concrete work is going at the site, which is definitely not part of preparation work of DPR. Further stated that concrete work is only relating to the main project work, for which environmental and other clearances are required. The photographs evidencing the above facts filed as Annexure in M.A 2 of 2021 filed on 08.07.2021.

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32. It is submitted that with regard to the averments made in **Para no 31**, the Applicant state already furnished the KRMB report along with the photographs in M.A 3 of 2024 and KRMB concluded that Respondent 3 has under taken the work in excess beyond the purpose of preparing DPR.
33. It is humbly submitted that with regard to the averments made in **Para no 32**, it is brought to the attention of the Honorable NGT order dt.08.09.2021, stated that the Joint committee of MoEF&CC has not mentioned in the report as to whether the work that is being carried out in the project area is related to the purpose of preparation of DPR.
34. It is submitted that with regard to the averments made in **Para no 33 & 34**, the Joint Committee was constituted and inspected the site on 13th & 14th March 2024 and submitted the report to MoEF on 22nd March and submitted the observations are as follows:
- a. The works undertaken by the Project Proponent are beyond the purpose of preparation of DPR.
 - b. The Project Proponent has commenced excavation works and completed around 14.14% for approach channel and around 87.03% for pump house and its appurtenant works which in total around 18.18% proposed excavation. Further, it has been


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concluded that the excess work has been done which is part of execution of the work.

- c. Further, the Environmental Compensation of Rs. 2,65,31,250/- has also been assessed by the Joint Committee as per the Central Pollution Control Board (CPCB) Guidelines as stated in the said report along with the remedial measures to restore the damage caused to the environment.
 - d. The observations made by the Joint Committee in its report dated 22nd March, 2024 was examined by the MoEF&CC and it was observed that such excess work being done beyond the purpose of preparation of DPR, amounting to be the part of execution of the construction work concludes as violation of the EIA Notification, 2006.
35. A Show Cause Notice was issued by MoEF dated 24th April, 2024 to the project proponent under Section 5 of the Environment (Protection) Act, 1986-for violations in implementing RLIS in violation of Hon'ble NGT order and the reply communicated by the project proponent has to be Examined by the EAC in upcoming meetings.
36. MoEF & CC requested to grant 4 weeks time to file the observation of the EAC regarding the requirement of amending the EIA Notification in cases where DPR preparation requires extensive study.

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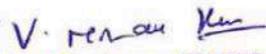
37. It is submitted that with regard to the averments made in **Para nos 35 to 37**, Govt. of Andhra Pradesh submitted to MoEF & CC for Environment clearance for Rayalaseema Lift Scheme to supplement 3 TMC per day to SRMC on downstream of Pothiredypadu Head Regulator, which is an integral part of 1. Galeru Nagari Sujala Sravanthi (GNSS) Project in District Kurnool, Andhra Pradesh. 2. Srisailam Right Branch Canal, Andhra Pradesh 3. Telugu Ganga Project, Andhra Pradesh requesting Amendment to the Existing Environmental clearances to include Rayalaseema Lift Scheme and 14th EAC meeting deferred to recommend the same on dt.07.07.2021. In the minutes, it was mentioned that, a number of representations have also been received from the civil society by this EAC against the project and there are many issues which need to be delved upon and decided by the concerned agencies/bodies meant for the purpose like KRMB and CWC, as also directed by the Hon'ble NGT.

38. It is submitted that the respondent hereby denies all the allegations stated in **Para 38** made by the Respondent No.3. While comparing the photographs produced in the KRMB inspection report dt.13.08.2021 with the photographs produced in the M.A 3 of 2024 and to the latest photographs of July, 2024 downloaded from google earth, it is observed that the work is in brisk progress related to the delivery cistern and forebay. It is also clear that the underground pump house works are seemed to be completed up to delivery

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outlets in the cistern. Government of Telangana addressed a letter to KRMB enclosing the above photographs and requested to conduct the site inspection urgently and stall the progress of work. But KRMB did not take any action in this regard till now. A copy of the letter addressed to KRMB is herewith enclosed as ANNEXURE-7.

39. It is submitted that with regard to the averments made in **Para no 39**, are not relevant in this case.
40. It is submitted that with regard to the averments made in **Para no 40**, the RLIS works executed by Respondent No.3 is stated in Para 30 is treated as reply to this para. Further, in the G.O 364, dt.11.08.2023 issued by Govt of Andhra Pradesh, the project is divided into Phase-I & Phase-II in which Phase-I was related to drinking water only. It was proposed to draw 35.23 TMC from the Srisailem reservoir at +800 ft under Phase-I. However, there is no drinking water component under SRBC and under the Chennai water supply agreements, water is to be drawn during July to October only. Further, SRBC is challenged by Telangana before the KWDT-II and GNSS and TGP are surplus water based projects which do not have drinking water component and all these outside basin diversion projects are being challenged before existing Hon'ble KWDT-II. Also, without prejudice to the state of Telangana's contention before the KWDT-II, it is to state that all


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the surplus based projects of outside basin diversions from Srisaïlam reservoir have to draw water at +880 ft and above as per the DPR's furnished before KWDT-II.

41. It is submitted that with regard to the averments made in **Para no 41 to 43**, Joint committee inspected the site and stated that the work done excess beyond the purpose of DPR and explained in supra para 34 is treated as reply for these paras.
42. It is submitted that with regard to the averments made in **Para no 44 to 46**, the reply as stated supra para 37 is treated as reply for these paras.
43. It is submitted that with regard to the averments made in **Para no 47 to 49** are denied. Due to delay in submission of Joint inspection committee report constituted by Hon'ble NGT dt.17.12.2021 and Respondent No.3 proceeding with the work by taking the advantage of absence of the report, Applicant has filed M.A 3 to render justice. It is therefore submitted that, in order to show that it has complied with the orders of this Hon'ble Tribunal dated 17.12.2021, must establish that no work on the ground has been undertaken from 17.12.2021 to till date as explained supra.
44. It is submitted that with regard to the averments made in **Para no 50**, As per the inter-State Agreements 1976 & 1977 and as per the

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DPR of SRBC, the State of Andhra Pradesh is permitted to draw only 34 TMC (15+19) of Krishna water from the Pothireddypadu regulator of Srisaillam reservoir between July to October during the flood period and no water is to be drawn beyond October from the Srisaillam reservoir. Further, G.O 203 issued in guise of stabilization of the canal system, all the related systems including Banakacherla cross regulators and the canals down stream of it and the re-grading the rivers below the escape regulator, the tunnels and reservoirs etc were enhanced enormously to carry those enhanced discharges to Penna basin areas and beyond. Further, with this canal system would usurp all the initial inflows and 75% dependable flows at Srisaillam reservoir thereby adversely affect the assured allocations of Telangana.

45. It is submitted that with regard to the averments made in **Para no 51**, RLIS seeks to augment the expansion of Pothireddypadu Head Regulator which itself is an unauthorized project not approved by CWC. It diverts substantial amounts of Krishna river waters to outside the basin, thereby, adversely impacting the eco-system of the region. Several wild life sanctuaries namely Roliapadu, Gundla Brahmeswaram, Sri Lankamalleshwara, Sri Penusila Narasimha, Sri Rajiv Gandhi National Park and Sri Venkateshwara exist within the 10 km radius of the canals of the project. The alignment passes through not only in the buffer zone, but also the core zones as per the information available on the website of the A.P. Government. A

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copy of the letter addressed from Spl Chief Secretary to Govt of Telangana to MoEF is herewith enclosed as ANNEXURE-8.

46. It is submitted that with regard to the averments made in **Para no 52** are denied. After re-organization of the State of Andhra Pradesh under APRA, 2014 (Act No.6 of 2014), the Government of India (GoI) constituted KRMB in exercise of its powers under Section 85 to regulate the utilization of water in the river Krishna in between the two successor States viz., state of Telangana and state of Andhra Pradesh in accordance with the KWDT-I Award. As per Andhra Pradesh Reorganization Act, 2014 it is the responsibility of the KRMB to restrain Andhra Pradesh from proceeding with Rayalaseema LIS works and enhancement of SRMC and other related works, being taken up in violation of NGT orders. The Hon'ble NGT had very specifically directed KRMB to lead a fact finding team to ascertain the facts and to take appropriate action against the State, in case if it is found that there is any violation of its orders by the Andhra Pradesh.
47. It is submitted that with regard to the averments made in **Para no 53**, the applicant state procured various photographs and videos at various locations of the project site and furnished before this Hon'ble NGT on 19.12.2023 and also enclosed the Google photographs of delivery cistern and Forebay depicting the actual ground work took place since the Hon'ble NGT order 17.12.2021

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which was filed in additional documents on 03.09.2024. Further, It is submitted that, Respondent No.3 has now proceeding with lining works of Srisailam Right Main Canal (SRMC) downstream of Pothireddypadu Head regulator which are part of G.O.Rt.No.203, dt.05.05.2020 and the work is going on at brisk pace. The latest photographs are enclosed herewith depicting the construction of lining works of SRMC. The Applicant state addressed the same to KRMB and requested to restrain Respondent No.3 from execution of the said work and to furnish a status report on the RLIS and SRMC to the Ministry of Jal Shakti (MoJS). But no action has initiated by KRMB till now. A copy of the letter addressed to KRMB dated 10.04.2025 is herewith enclosed as **ANNEXURE-9.**

48. The Environmental Clearance sought by the Andhra Pradesh is for modification of the Environmental Clearance already granted for SRBC, TGP and GNSS which include SRMC and these three projects are being enhanced by the works being carried out based on the G.O.203. Hence, this Hon'ble NGT may kindly issue orders to stall all the works related to the G.O 203, till the modified EAC is obtained. Further, it is to submit that necessary orders may kindly be issued to restore the RLIS site to the Pre-DPR stage as per the recommendations of the 25th EAC dt.27.02.2025 immediately.

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49. It is therefore humbly stated that in view of the above facts it is crystal clear that a lot of construction activity took place since the Hon'ble NGT order dated 17.12.2021. Therefore, Govt of Telangana requests this Hon'ble Tribunal to take these facts into consideration and pass orders in MA 3 of 2024 of OA No.71/2020 accordingly and thus render justice.

Dated: 30.05.2025

Place: Hyderabad

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DEPONENT
Chief Engineer, IS&WR
O/o the Engineer-in-Chief (General),
IS&WR Unit, Hyderabad-500 082.

VERIFICATION

I, V. Mohan Kumar, S/o V. Venkat Ratnam, aged about 61 years. Chief Engineer, Inter State & Water Resources, Irrigation & CAD Department of the State of Telangana, R/o, Hyderabad do hereby verify that the contents of the above Application are true to my knowledge and belief. I believe the same to be true and no part of it is false & nothing material concealed.

Date: 30.05.2025

Place: Hyderabad.

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DEPONENT
Chief Engineer, IS&WR
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GOVERNMENT OF INDIA
KRISHNA WATER DISPUTES TRIBUNAL

**THE REPORT
AND
THE FURTHER REPORT
OF
THE KRISHNA WATER DISPUTES TRIBUNAL
WITH THE DECISION**

NEW DELHI
1973 & 1976

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We now proceed to discuss the projects mentioned in the last statement as also minor irrigation in respect of which there is a dispute as to the extent of protection.

(1) *Krishna Project*.—The Krishna Project is an irrigation project with storages at Dhom and Borkhal on the Krishna river and at Kanher on the Venna river, and canals for irrigation in Satara and Sangli Districts of Maharashtra. The command area of the project falls within the rain shadow region of the Bombay Deccan. The project is under construction.

On the 25th June, 1973, all the parties made the following statement :—

"All parties are agreed that the annual utilisation of 33.00 T.M.C. and the evaporation loss of 3.3 T.M.C. under the Krishna Project of Maharashtra should be protected."

In allocating the waters of the river Krishna, the annual utilisation of 33.00 T.M.C. and evaporation loss of 3.3 T.M.C. under the Krishna Project of Maharashtra should be preferred to contemplated uses.

(2) *Gokak Canal*.—Mysore claims an allowance of 1.4 T.M.C. of water for the Gokak canal. Andhra Pradesh disputes the claim. ⁽¹⁶⁾

337 The Gokak canal is in operation for over 84 years.⁽¹⁷⁾ Originally, the canal took off from the Dhupdal Weir on the Ghataprabha and there was an average annual diversion of 1.4 T.M.C. of water for its ayacut. The Kokak canal now takes off from the Ghataprabha Left Bank Canal.

According to Mysore, the index map of the Hidkal Dam Project Stage I Report ⁽¹⁸⁾ shows that the area under the Gokak canal is not included in the command of the Ghataprabha Left Bank Canal. But the Krishna Godavari Commission stated ⁽¹⁹⁾ that ayacut under the Gokak canal was merged with the Ghataprabha Left Bank Canal in 1951.

In August 1959, the Chief Engineer, P. W. D. Irrigation Project, Mysore stated : "The irrigable area under the Gokak Canal taken from the Dhupdal Weir is included in the irrigable area of the Left Bank Canal of the Ghataprabha Project first stage 0 to 44 miles and the water requirements for the Ghataprabha Left Bank Canal have been calculated taking this area under the Gokak Canal and also the discharges available in the Dhupdal Weir throughout the year.⁽²⁰⁾

The annual utilisation of 34.8 T.M.C. under Ghataprabha Project Stages I and II has been protected. 338 No separate provision for the Gokak Canal is necessary as its water requirement will be met from the water provided for the Ghataprabha Left Bank Canal.

The list of sanctioned projects prepared by the Govt. of India in June 1967⁽²¹⁾ stated that the sanctioned diversion under the Kokak Canal was 1.4 T.M.C. and mentioned the diversion under the Ghataprabha Project separately. This statement overlooks the fact that the ayacut under the Gokak Canal is now merged in the Ghataprabha Left Bank Canal and that no separate provision for the Gokak Canal is necessary.

(3) *Srisaïlam Hydro-electric Project* :—

Dispute.—Andhra Pradesh claims protection for the annual evaporation loss of 33 T.M.C. of water under the Srisaïlam Hydro-electric Project. Maharashtra and Mysore contend that the project is not entitled to any protection.

Project.—The Srisaïlam Hydro-electric Project comprises a high dam across the Krishna river and a power house at the toe of the dam. The Power house will have 4 generating units of 110 MW each with a provision for adding 3 such units at a later stage. On the basis of the ultimate release of 180 T.M.C. of water annually, the power potential at Srisaïlam will be of the order of 134 MW at 100 per cent load factor or 224 MW at 60 per cent load factor. The Srisaïlam Project being a hydro-electric project for generating power without diverting water to another watershed does not involve consumptive use of water except for evaporation loss. ⁽²²⁾ The area of the

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(16) MRDK VIII p. 64.

(17) MYPK X p. 3 (constructed in 1883), KGCR Ann. VIII p. 107 (in operation from 1889).

(18) MYPK XII, Index Map.

(19) KGCR Ann. VIII pp. 107, 112, 133.

(20) MYDK XII pp. 94, 96.

(21) MYDK I p. 216; MRDK II p. 119.

(22) MYDK II p. 350.

The preponderance of opinion seems to indicate that diversion of water to another watershed may be permitted, but normally, in the absence of any agreement, the prudent course may be to limit the diversion to the surplus waters left after liberally allowing for the pressing needs of basin areas. In general, basin areas are more dependent on the water than other areas. Maximum economic benefit can rarely be achieved by ignoring the pressing needs of the areas of origin and permitting development elsewhere.

However, where water has already been allowed to be transferred and used in another watershed, the settled economy of the region should not be lightly disturbed. Normally, existing works based on such a transfer should receive the same protection that may be given to existing works based on diversions inside the basin. If a populous city outside a river basin receives its water supply from the river, it is unjust and unrealistic to hold that the water should be restored to the basin and the city deprived of its drinking water.

407 For a long period of time, large quantities of water have been diverted outside the Krishna basin and used for beneficial purposes. Admittedly, however, the available supplies of the Krishna river system are not sufficient to satisfy the demands of all the existing and proposed projects of the States.

Conclusion.—Subject to consideration of the question whether in case of conflict between uses for irrigation and power production the claims for power production by westward diversion of water should be allowed to prevail at the expense of irrigation, three propositions may be safely laid down with regard to the Krishna river basin:

- (1) Diversion of water of the inter-State river Krishna outside the river basin is legal.
- (2) In equitable allocation, future uses requiring diversion of water outside the basin are relevant, but more weight may be given to uses requiring diversion of water inside the basin.
- (3) All existing uses based on diversion of water outside the basin should receive the same protection that may be given to existing uses based on diversion of water inside the basin.

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Part II—*Diversion of water of the Krishna river for irrigation outside the river basin.* 409

Water is and will be diverted outside the Krishna basin for the purpose of irrigation from the following projects⁽¹⁵⁾ :—

- (1) Krishna Delta Canals,
- (2) Kurnool Cuddapah Canal,
- (3) Nagarjunasagar project (Right Bank Canal),
- (4) Tungabhadra Project (Right Bank High Level Canal) Stages I and II (Andhra Pradesh's share), and
- (5) Guntur Channel.

The Krishna Delta Canal system was constructed in 1855 for irrigation of the Delta areas. The characteristic of the delta formed at the mouth of a river by the deposit of river-borne silt is that its general surface slope is away from the river margins and most of its drainage reaches the sea through minor streams. A large part of the delta area is thus technically outside the river basin. But the entire delta area is dependent on the river for irrigation; its soil is usually very fertile, and being soft, facilitates the cheap construction of canals⁽¹⁶⁾. About 95% of the area irrigated in the Krishna delta by the Krishna Delta canals is in the Gundlakamma and other minor valleys outside the Krishna basin. The Guntur Channel will supply water for irrigation to the high lands adjoining the Krishna Delta.

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The Kurnool Cuddapah Canal was constructed in 1866 to alleviate distress in the famine-stricken areas of the Pennar basin. About 90% of the area irrigated by the Kurnool Cuddapah Canal lies in the Pennar valley⁽¹⁷⁾. At the point of diversion of the Krishna waters, a low ridge separates the Pennar valley from the Krishna basin.

The Tungabhadra Project High Level and Low Level Canals are intended partly for the benefit of Bellary, Anantpur, Cuddapah and Kurnool districts⁽¹⁸⁾. A part of the area irrigated from the Tungabhadra High Level Canal lies in the Pennar valley. Water is diverted outside the Krishna basin from the Nagarjunasagar Project Right Bank Canal also.

(15) MRDK XII, Sheet No. XXIII.

(16) See W.M. Ellis, College of Engineering Manual 1963, pp. 62-65.

(17) Report of the Krishna Godavari Commission, p. 162.

(18) The Andhra State Act, 1953 section 66(5); Report of the Tungabhadra Project 1942 Low level Canal Scheme, APPK XVIIIpp. 3-5.

sub-basins K-1, K-2, K-3, K-5 and K-6 in the State of Maharashtra its demands for irrigation according to Master Plan are for 860 T.M.C. Out of these, demands for 439.6 T.M.C. have been protected. Thus according to Master Plan, the unsatisfied demand is for 421.2 T.M.C. out of which the State of Maharashtra has now confined its claim to 280.3 T.M.C. as shown in the Statement MR Note No. 30. That statement gives all the projects for which water for irrigation is claimed according to Master Plan and the reduced demands according to MR Note No. 30. In addition to the demands contained in the Master Plan, the State of Maharashtra has filed MRPK-31 which contains the details of the existing and under construction bhandaras, weirs and lift irrigation schemes some of which are not included in the Master Plan. According to the State of Maharashtra, the utilisation of the bhandaras, weirs and lift irrigation schemes mentioned in MRPK-31 but not included in the Master Plan amounts to 19.06 T.M.C. Out of this, demands for some weirs, bhandaras and lift irrigation schemes may merge with the demands for projects claimed by the State of Maharashtra. The State of Maharashtra has claimed that the demand for bhandaras, weirs and lift irrigation schemes which may not merge with the projects must be given preference over other demands.

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We have got prepared Table No. 2 which shows the demands of the State of Maharashtra as shown in the Master Plan, the utilisation for each demand for which protection has been granted and the future demands made in accordance with MR Note No. 30. This Table also mentions demands for bhandaras, weirs and lift irrigation schemes. In this Table demands for minor irrigation requiring less than 1 T.M.C. have been consolidated basinwise instead of demand for each minor irrigation project being shown separately.

Coming to the demands of the State of Mysore, we find that in Statements Nos. 5 and 6 Annexure III at page 97 of MYK-I the details of the demands for projects for which water for irrigation is claimed have been given. In Appendix II to MY Note No. 17, a statement has been filed by the State of Mysore showing the demands basinwise. We have got prepared Table No. 3 of the demands of the State of Mysore on the same lines as Table No. 2. That Table shows the demands made by the State of Mysore in Statements Nos. 5 and 6 Annexure III in MYK-I, the utilisation for which protection has been granted for each demand and the quantity of water claimed under MY Note No. 17.

We have examined all the project reports of both the States and also the other demands and have formed our opinion as to which of the demands of both the States are worth consideration and how much water

should be allocated for each demand so that the reasonable demands of both the States may be assessed. In order to facilitate further discussion it is not proper to break the chain by giving the details of such examination at this place. The better way would be only to mention here the demands which, in our opinion, are worth consideration for assessing the needs of both the States and the quantities of water required for them and give the details of our examination along with the two Table Nos. 2 and 3 in Part II of this Chapter.

The demands for allocation of water from the dependable flow for the State of Maharashtra, which were assessed as worth consideration by us in Part II of this Chapter, excluding the demand for protected uses, are as under :—

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	T.M.C.
1. Krishna Canal Ex-Khodshi weir	3.00
2. Koyna Hydel and Koyna Krishna Lift Scheme	23.40
3. Dudhganga	14.00
4. Gudavale Lift Scheme	3.10
5. Mutha System ex-Khadakwasla	9.60
6. Kukadi Project	18.80
7. Barhanpur Project	1.48
8. Sina at Nimgaon	1.70
9. Sina at Kolegaon	4.50
10. Hingni Pangaon	1.50
11. Bhandaras, etc.	17.80
12. Minor Irrigation	26.47
TOTAL	125.35

The demands for allocation of water from the dependable flow for the State of Mysore which were assessed as worth consideration by us, excluding the demands for protected uses are as under :—

	T.M.C.
1. Dudhganga Project	4.00
2. Upper Krishna Project	52.00
3. Ghataprabha Project	55.00
4. Malaprabha Project (including upper Malaprabha Project)	9.00
5. Ramthal Lift Irrigation Scheme	4.50
6. Bhima Irrigation Project	11.00
7. Diksanga Project	1.00
8. Amaria Project	2.27
9. Bennithora Project	5.43
10. Gandhorinala Project	2.20
11. Upper Mullamari Project	1.30
12. Lower Mullamari Project	4.40
13. Kagna Project	2.00
14. Vijayanagar Channels	6.35
15. Minor Irrigation	30.00
TOTAL	190.45

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We are of the opinion that out of 2060 T.M.C., 1693.36 T.M.C. be allocated to the three States for protected uses as already mentioned and the remaining may be divided between the" three States as follows :—

	T.M.C.
1. State of Maharashtra	125.35
2. State of Mysore	190.45
3. State of Andhra Pradesh	50.84
TOTAL	366.64

Thus out of the dependable flow of 2060 T.M.C. the share of each State is as follows :—

	T.M.C.
1. State of Maharashtra	565.00
2. State of Mysore	695.00
3. State of Andhra Pradesh	800.00
TOTAL	2060.00

598 We have already determined the quantity of water which will be added to the 75 per cent dependable flow of the river Krishna upto Vijayawada on account of return flows and we have also determined how this water is to be shared by each State. This completes our discussion as to how the dependable flow of the river Krishna available for distribution is to be divided between the States of Maharashtra, Mysore and Andhra Pradesh.

We have to make some provisions relating to certain matters which arise out of this scheme for apportionment. Many of these provisions are based on agreed statements filed by the parties, some of them are merely incidental to the scheme of apportionment. In order to give a complete picture and to facilitate further discussion we consider it proper to refer to the Final Order of the Tribunal which is set out in Chapter XVI and which embodies all the provisions on the subject of apportionment of water of the river Krishna between the States of Maharashtra, Mysore and Andhra Pradesh.

Clause I of our Order gives the effective date on which the Order will come into force.

Clause II relates to underground water and is based on the agreed statement of the parties.

599 Clause III relates to the dependable flow and augmentation in the dependable flow due to return flows which we have already discussed.

Clauses IV and V embody the scheme for apportionment of water of the river Krishna between the

three States of Maharashtra, Mysore and Andhra Pradesh which we have already discussed in detail. In Clause V we have stated with regard to the States of Maharashtra and Mysore that each of them shall not use in any water year more than a particular quantity of water specified therein. It is necessarily implied that both these States may use, in any water year, water of the river Krishna upto the quantities specified in that Clause subject to the conditions and restrictions imposed by us and subject to the availability of water. We make it clear that water has been allocated to each of the three States enbloc and that subject to the conditions and restrictions placed by us, each State shall have the right to make beneficial use of the water allocated to it in any manner it thinks proper. We further make it clear that the water allocated to each State is for all beneficial purposes including domestic and industrial uses and no separate allocation is made for such uses.

Clause VI gives the definition of beneficial use which we have already discussed.

Clause VII defines how a use is to be measured and is self-explanatory. The second part of Clause VII is based on the agreed statement filed by the parties.

Clause VIII is self-explanatory.

In Clause IX we have placed restrictions on the use of water in the Krishna basin by the three States. We have already explained the reasons for placing such restrictions in the case of Tungabhadra and the Vedavathi sub-basins and on the main stream of the river Bhima. We have also placed restriction on the State of Maharashtra that it shall not use in any water year more than 7 T.M.C. from the Ghataprabha sub-basin (K-3) as otherwise the requirements of the State of Mysore for the projects in that sub-basin may suffer. We have also placed restriction on the State of Andhra Pradesh that it shall not use more than 6 T.M.C. from the catchment of the river Kagna in the State of Andhra Pradesh so that waters of that river may reach the main stream of the river Bhima. While placing restrictions on the use of water beyond the stated quantity by a State we have laid down an upper limit which is slightly above the total requirements of that State as assessed from the demands which have been either protected or which we have held as worth consideration.

Clause X relates to the restrictions placed on the State of Maharashtra on the westward diversion. We have already assigned our reasons for incorporating this Clause.

Clause XI is self-explanatory and does not require any discussion.

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2025 INSC 718

REPORTABLE**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION****WRIT PETITION (C) NO.1394 OF 2023****VANASHAKTI****...PETITIONER****Vs.****UNION OF INDIA****...RESPONDENT****WITH****WRIT PETITION (C) NO.118 OF 2019****WRIT PETITION (C) NO.115 OF 2024****AND****CIVIL APPEAL NO.381-382 OF 2025****J U D G M E N T****ABHAY S. OKA, J.**

1. Part IV-A of the Constitution of India containing fundamental duties as set out in Article 51A was incorporated in the Constitution by the 42nd Amendment Act with effect from 3rd January 1977. Clause (g) of Article 51A provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. This Court in several decisions has held that the right to live in a

pollution free atmosphere is a part of the fundamental right guaranteed under Article 21 of the Constitution of India.

2. The world changed rapidly after World War II. From the late 1960s and early 1970s, slowly there was a realisation about the drastic consequences of the destruction of environment and pollution of various kinds. In June 1972, at Stockholm, the United Nations Conference on Human Environment was held. In the said conference, several decisions were taken by the world community to protect the environment.

3. In our country, it took fourteen years thereafter for the legislature to come out with a law for protection and improvement of the environment. The Environment (Protection) Act, 1986 (for short, 'the 1986 Act') was brought into force with effect from 19th November 1986. As can be noticed from several orders of this Court and the High Courts, the progress of implementation of the 1986 Act has been very slow.

4. The 1970s and 1980s saw growth of industrialisation in our country. The activities such as mining, gas exploration, thermal power plants, petroleum refining industries, various other industries, building and construction projects, such as, highways started growing.

5. Again, it took twenty years after the 1986 Act came into force to exercise the power under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the 1986 Act read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 (for short, '1986 Rules') for coming out with the Environment Impact Assessment Notification, 2006 (for short, 'the EIA notification'). The EIA notification was issued on 14th September 2006. It provided that the projects or activities mentioned in clause (2) thereof shall require prior Environmental Clearance (for short, 'the EC') from the concerned regulatory authority. The concerned regulatory authority in the Central Government is the Ministry of Environment Forests and Climate Change (for short, 'the MoEFCC') for matters falling under Category 'A' in the Schedule, and at the State level, the State Environment Impact Assessment Authority (for short, 'the SEIAA') for the matters falling in Category 'B'. In the Schedule, Categories 'A' and 'B' were incorporated setting out industries and other development work. The entire controversy in this group of petitions is about ex post facto grant of EC.

6. On 14th March 2017, a notification was issued by the MoEFCC. The said notification is hereafter referred to as 'the 2017 notification'. The said notification was made applicable to the projects or activities that have

started the work on site, expanded the production beyond the limit of the EC, or changed the production mix without obtaining EC. The 2017 notification provided that in case of such works, ex post facto EC can be granted. It provided that the projects or activities which are in violation of the EIA notification as on 14th March 2017 were eligible to apply under the 2017 notification for ex post facto EC within a period of six months from 14th March 2017.

7. The National Green Tribunal (for short, 'the NGT') vide order dated 24th May 2021 directed the MoEFCC to prepare a Standard Operating Procedure (for short, 'the SOP') for grant of EC in the cases of violation so as to address the gap in the binding law and practice being currently followed. In purported compliance with the said direction, Office Memorandum dated 7th July 2021 (for short, 'the 2021 OM') was issued.

8. In the meanwhile, the 2017 notification was challenged by way of a writ petition before the High Court of Madras in the case of Puducherry Environment Protection Association v. Union of India¹, which was decided by order dated 13th October 2017. During the course of hearing of the case before the Madras High Court, when it was pointed out that the outer limit for making applications for grant of ex post facto EC have

¹ 2017 SCC OnLine Mad 7056

been repeatedly extended, the Union of India gave a categorical undertaking that the 2017 notification was only a one-time measure. By recording the said submission made on behalf of the Union of India that the 2017 notification was certainly and clearly only a one time measure, the High Court disposed of the petition. Later on, by order dated 14th March 2018 passed by the High Court of Madras in another case, the time period under the 2017 notification for submission of proposals by project proponents was extended by a further period of thirty days.

9. In Writ Petition (C) No.1394 of 2023, the first prayer is for quashing the 2021 OM on the ground that it was arbitrary, illegal and ultra vires the provisions of the 1986 Act. The second prayer is for issuing a writ of mandamus directing the MoEFCC and SEIAA/SEACs not to process and entertain any application for ex-post facto EC after 13th May 2018. As stated earlier, the time granted under the 2017 notification to apply was lastly extended till 13th April 2018.

10. In Writ Petition (C) No.118 of 2019, the challenge is to the 2017 notification issued by the MoEFCC. A prayer was made seeking directions to the respondents to produce a list of real estate projects and project proponents who have undertaken real estate development

projects without obtaining EC under the 2006 notification.

11. In Writ Petition (C) No.115 of 2024, the challenge is to the 2017 notification and the 2021 OM. A prayer for writ of prohibition is made for restraining the MoEFCC from issuing any notification or office memorandum permitting ex-post facto EC.

12. The High Court of Madras by judgment and order dated 30th August 2024 quashed the 2021 OM and another OM dated 19th February 2021. The challenge in Civil Appeal No.381-382 of 2025 is to this decision of the High Court of Madras. In the judgment and order dated 30th August 2024, the Madras High Court declared that its order will operate only prospectively and applications under consideration will remain unaffected. The challenge in this appeal is only to the extent of giving prospective effect to the impugned judgment.

THE EIA NOTIFICATION

13. Firstly, we come to the EIA notification. It has been issued in exercise of powers under sub-Section (1) and clause (v) of sub-Section (2) of Section 3 of the 1986 Act read with clause (d) of sub-Rule (3) of Rule 5 of the 1986 Rules. Section 3 of the 1986 Act reads thus:

“3. Power of Central Government to take measures to protect and improve environment.—(1) Subject to the provisions

of this Act, **the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.**

(2) In particular, and without prejudice to the generality of the provisions of subsection (1), such measures may include measures with respect to all or any of the following matters, namely:—

(i) co-ordination of actions by the State Governments, officers and other authorities

—
(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of

environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(*xii*) collection and dissemination of information in respect of matters relating to environmental pollution;

(*xiii*) preparation of manuals, codes or guides relating to the prevention control and abatement of environmental pollution;

(*xiv*) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in subsection (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.”

(emphasis added)

13.1 Sub-section (1) of Section 3 sums up the very object of the 1986 Act. Therefore, the EIA notification has been issued not only for the purposes of protecting and improving the quality of the environment but also for preventing and abating environmental pollution. Sub-section (1) of Section 3 confers general power of taking measures on the Central Government. Sub-section (2) confers specific power for taking measures in the matters set out in clauses (i) to (ix) thereof. Clause (v) of sub-section (2) of Section 3 empowers the Central Government to take measures for putting restrictions of areas in which any industries, operations or processes shall not be carried out or shall be carried out subject to safeguards.

14. Rule 5 of the 1986 Rules reads thus:

“5. Prohibition and restriction on the location of industries and the carrying on of processes and operations in different areas.—(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:

(i) Standards for quality of environment in its various aspects laid down for an area.

(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

(iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.

(iv) The topographic and climatic features of an area.

(v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.

(vi) Environmentally compatible land use.

(vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.

(viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

(ix) Proximity to human settlements.

(x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the

Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication in the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may [within [seven hundred and twenty-five days [,and in respect of the States of Assam, Meghalaya, Arunachal

Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim and Jammu and Kashmir in exceptional circumstance and for sufficient reasons within a further period of one hundred and eighty days,)] from such date of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area:

[Provided that on account of COVID-19 pandemic, for the purpose of this clause, the period of validity of the notification expiring in the financial year 2020-2021 and 2021-2022 shall be extended up to [30th June, 2022] or six months from the end of the month when the relevant notification would have expired without any extension, whichever is later.]

[(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).]"

14.1 For issuing the EIA notification, power has been exercised under clause (d) of sub-rule (3) of Rule 5 which empowers the Central Government to impose prohibition or restrictions on location of such industries and the carrying on any process or operation in an area. There is a power to impose complete prohibition on carrying on any process or operation in an area. Clause (2) of the EIA notification reads thus:

“2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining minerals in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion, modernization or any change in the product mix or raw material mix in existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector in the said Schedule, subject to conditions and procedure provided in the sub-paragraph (ii) of paragraph 7.”

14.2 Therefore, without prior EC, construction of new projects or activities, expansion or modernisation of existing projects or activities listed in the Schedule entailing capacity addition with change in process or

technology, cannot be undertaken. Entire procedure for grant of prior EC is laid down in the EIA notification.

LEGALITY OF THE 2017 NOTIFICATION

15. The 2017 notification refers to the OMs dated 12th December 2012 and 27th June 2013 by which a process was sought to be established for grant of EC in the cases of violation of the EIA notification. It also refers to the judgment of the High Court of Jharkhand holding these two OMs as illegal. The same OMs were also quashed by the NGT as mentioned in the said notification. There are three recitals in the said notification which are relevant. Recital Nos.9 to 11 read thus:

“9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving

the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;”

15.1 Thus, what was sought to be done was to protect the project proponents who committed gross illegality by commencing construction or commencing operation or process without obtaining prior EC as provided in the

EIA notification. The 2017 notification was a one-time measure. Moreover, this Court in the case of **Common Cause v Union of India & Ors.**², held in no uncertain terms that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence including the EIA notification. The decision in the case of **Common Cause**² was delivered on 2nd August 2017. Notwithstanding the clear declaration of law which was made on 2nd August 2017, the Central Government did not withdraw the 2017 notification.

16. We may note here that this is not the first time that the concept of prior EC was brought into force. For this purpose, useful reference can be made to a decision of this Court in the case of **Alembic Pharmaceuticals v. Rohit Prajapati**³. It records that there was a notification of 27th January 1994 mandating prior EC for setting up and expansion of industrial projects falling within thirty categories. The issue before this Court was about the legality and validity of the circular dated 14th May 2002, which permitted obtaining of *ex post facto* EC. This Court specifically dealt with the challenge to the circular dated 14th May 2002. In paragraph 12, this Court noted the issue to be decided:

“**12.** The issue to be adjudicated is whether in view of the requirement of a prior EC

² 2017 (9) SCC 499

³ 2020 (17) SCC 157

under the EIA Notification of 1994, a provision for an ex post facto EC to industrial units could be validly made by means of the Circular dated 14-5-2002.”

16.1 Thereafter, this Court considered Section 3(1) of the 1986 Act. In paragraph 21 this Court held thus:

“21. The omission in the appeal to make any attempt to sustain the Circular dated 14-5-2002 with reference to the provisions of Section 3 of the Environment (Protection) Act, 1986 is significant. For an action of the Central Government to be treated as a measure referable to Section 3 it must satisfy the statutory requirement of being necessary or expedient “for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution”. The Circular dated 14-5-2002 in fact does quite the contrary. It purported to allow an extension of time for industrial units to comply with the requirement of an EC. The EIA Notification dated 27-1-1994 mandated that an EC has to be obtained before embarking on a new project or expanding or modernising an existing one. The EIA Notification of 1994 has been issued under the provisions of the Environment (Protection) Act, 1986 and the Environment Protection Rules, 1986, with the object of imposing restrictions and prohibitions on setting up of new projects or expansion or modernisation of existing project. The measures are based on the precautionary principle and aim to protect the interests of

the environment. The Circular dated 14-5-2002 allowed defaulting industrial units which had commenced activities without an EC to cure the default by an ex post facto clearance. Being an administrative decision, it is beyond the scope of Section 3 and cannot be said to be a measure for the purpose of protecting and improving the quality of the environment. The circular notes that there were defaulting units which had failed to comply with the requirement of obtaining an EC as mandated. The circular provided for an extension of time and inexplicably introduced the notion of an ex post facto clearance. In effect, it impacted the obligation of the industrial units to be in compliance with the law. **The concept of ex post facto clearance is fundamentally at odds with the EIA Notification dated 27-1-1994. The EIA Notification of 1994 contained a stipulation that any expansion or modernisation of an activity or setting up of a new project listed in Schedule I "shall not be undertaken in any part of India unless it has been accorded environmental clearance". The language of the notification is as clear as it can be to indicate that the requirement is of a prior EC. A mandatory provision requires complete compliance. The words "shall not be undertaken" read in conjunction with the expression "unless" can only have one meaning : before undertaking a new project or expanding or modernising an existing one, an EC must be obtained.** When the EIA Notification of 1994 mandates a prior EC, it

proscribes a post activity approval or an ex post facto permission. What is sought to be achieved by the administrative Circular dated 14-5-2002 is contrary to the statutory Notification dated 27-1-1994. The Circular dated 14-5-2002 does not stipulate how the detrimental effects on the environment would be taken care of if the project proponent is granted an ex post facto EC. The EIA Notification of 1994 mandates a prior environmental clearance. The circular substantially amends or alters the application of the EIA Notification of 1994. The mandate of not commencing a new project or expanding or modernising an existing one unless an environmental clearance has been obtained stands diluted and is rendered ineffective by the issuance of the administrative Circular dated 14-5-2002. This discussion leads us to the conclusion that the administrative circular is not a measure protected by Section 3. Hence there was no jurisdictional bar on NGT to enquire into its legitimacy or vires. Moreover, the administrative circular is contrary to the EIA Notification 1994 which has a statutory character. The circular is unsustainable in law.”

(emphasis added)

16.2 Ultimately, in paragraph 23, this Court held thus:

The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA Notification dated 27-1-1994. It is, as the judgment

in Common Cause [Common Cause v. Union of India, (2017) 9 SCC 499] holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision-making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development.”

(emphasis added)

16.3 In fact, as noted in paragraph 22.1, the word 'prior' was not used in the EIA notification dated 27th January 1994. However, the words 'shall not be undertaken' were used. In the 2006 EIA notification, the word 'prior' appears at multiple places.

17. The issue of *ex post facto* EC was dealt with in the case of **Common Cause**², In paragraph 108, a submission was recorded that the possibility of getting *ex post facto* EC was a signal to the mining leaseholders that obtaining an EC was not mandatory or that if it was not obtained, the default was retrospectively condonable. In paragraph 125, this Court held thus:

"125. We are not in agreement with the learned counsel for the mining leaseholders. **There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long-term impact. EIA 1994 is therefore very clear that if expansion or modernisation of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in *M.C. Mehta* [*M.C. Mehta v. Union of India*, (2004) 12 SCC 118] even for the renewal of a mining lease where there is no expansion or modernisation of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an *ex post facto***

environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an ex post facto or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant.”

(emphasis added)

18. Therefore, there is already a concluded finding of this Court that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence and the EIA notification. This view was reiterated by this Court in the case of ***Electrosteel Steels Ltd. v. Union of India and Ors.***⁴. In paragraph 72, this Court held thus:

“72. There can be no doubt that the need to comply with the requirement to obtain environment clearance is non-negotiable. A project can be set up or allowed to expand subject to compliance of the requisite norms. Environmental clearance is granted on condition of the suitability of the site to set up the project from the environmental angle, and existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations, it is imperative that pollution laws be strictly enforced. Under no circumstances, can industries which pollute

⁴ (2023) 6 SCC 615

be allowed to operate unchecked and degrade the environment.”

(emphasis added)

18.1 In this case, as well as in the case of ***Alembic Pharmaceuticals***³, this Court exercised its jurisdiction under Article 142 of the Constitution and permitted *ex post facto* EC in particular cases considering the peculiar factual situation.

19. It is in this context that the legality and validity of the 2017 notification will have to be tested. Interestingly, in paragraph 10 of the notification, it is recorded that the MoEFCC deems it necessary for the purpose of protecting and improving the quality of environment and abating environmental pollution that all the entities not complying with the environmental regulation under EIA notification be brought under compliance within the environmental laws in an expeditious manner. The object of protecting and improving the environment and preventing and abating environmental pollution was achieved by the EIA notification. The object of the 2017 notification appears to be to protect the industries and entities which violated the EIA notification. In fact, paragraph 14 of the 2017 notification is material which reads thus:

“**14.** The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental

clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.”

20. Moreover, the 2017 notification is completely in violation of the law laid down by this court in the case of ***Common Cause***² and ***Alembic Pharmaceuticals***³. From the recitals of the 2017 notification, it is apparent that it was a one-time measure to protect those who were in violation as on the date of the 2017 notification. In view of the settled law, even a ‘one-time measure’ or ‘one-time relaxation’ was illegal. The 2021 OM encourages the entities who contributed to pollution by not obtaining prior EC. Whenever EC is granted, it is always conditional. Certain conditions are imposed to abate or reduce the pollution. Such one-time measures add to air and/or water pollution. Such measures infringe the right to live in a pollution free environment guaranteed by Article 21. Thus, the 2017 notification was completely illegal.

21. The Division bench of Madras High Court by judgment dated 13th October 2017, in the case of ***Puducherry Environment Protection Association***¹ dealt with the issue regarding the legality of the 2017 notification which was subject matter of challenge in a Public Interest Litigation. A very specific submission was

made before the Madras High Court on behalf of the Central Government by the learned Additional Solicitor General, which is recorded in paragraph 4(i) of the judgment. Relevant portion of paragraph 4(i) reads thus:

“4(i) With regard to precautionary principle, faced with the situation that ex post facto clearance and regularization dates have been repeatedly extended time and again by series of notifications, **learned Additional Solicitor General at the bar, on instructions, submits that this impugned notification shall clearly and certainly be only a one time measure. We record this submission also.**

.....”
(emphasis added)

21.1 This statement was treated as an undertaking of the Central Government, which is clear from paragraph 4(n) of the said judgment:

“4(n) We are convinced that paragraphs 3,4 and 5 of the impugned notification alluded to supra coupled with the two undertakings made on instructions by learned Additional Solicitor General that (a) public hearing can be read into paragraph 5 of the impugned notification and **(b) this shall certainly and clearly be a one time measure, this writ petition can be closed and disposed of recording the above submissions. We do so.**”

(emphasis added)

21.2 It is in view of this undertaking that the High Court did not interfere. The Central Government is bound by this undertaking. It is the duty of the Central Government to comply with the undertaking in its true letter and spirit.

22. The period provided in the 2017 notification to apply for *ex-post facto* EC ended on 13th September 2017. In the case of ***Appaswamy Real Estates Limited v. Puducherry Environment Protection Association***⁵, the request of the MoEFCC for extending the time provided in the 2017 notification was accepted. As a result, the OM dated 16th March 2018 was issued which permitted the project proponents to apply under the 2017 notification within thirty days from the date of the High Court order. What is pertinent to note is that notwithstanding the grant of extension of time to apply, there was no modification made to paragraph 14 of the 2017 notification which clarified that it is applicable only to those projects and activities which were in violation on the date of the said notification. Therefore, any project or activity or process which required EC under the EIA notification commenced after 14th March 2017 was not protected by the 2017 notification.

23. Apart from the fact that the very concept of grant of *ex-post facto* EC is illegal, it is not possible to understand

⁵ 2018 SCC OnLine Mad 1283

why the Central Government made efforts to protect those who committed illegality by not obtaining prior EC in terms of the EIA notification. As the EIA notification was eleven years old when the 2017 notification was issued, there was no equity in favour of those who committed such gross illegality of not obtaining prior EC. The persons who acted without prior EC were not illiterate persons. They were companies, real estate developers, public sector undertakings, mining industries, etc. They were the persons who knowingly committed illegality. We, therefore, make it clear that hereafter, the Central Government shall not come out with a new version of the 2017 notification which provides for the grant of *ex-post facto* EC in any manner.

LEGALITY AND VALIDITY OF THE 2021 OM

SUBMISSIONS

24. The learned senior counsel appearing for the Petitioner submitted that post a series of judgments of this Court in ***Alembic***³ and ***Common Cause***², it is not permissible to grant *ex post facto* EC. He further submits that the 2021 OM is in violation of the 1986 Act and the EIA notification. He submits that EC must be prior and cannot be granted *ex post facto*. While the 2021 OM does not expressly extend the timeline under the 2017 notification or mention *ex post facto*, the 2021 OM and its

application has effectively allowed grant of *ex post facto* EC.

25. The main submission of the learned Additional Solicitor General is that the 2021 OM does not seek to grant *ex-post facto* EC. It is only an SOP. The learned ASG invited our attention to the contents of the SOP. Her submission is that it provides for the demolition of projects not allowable or permissible for want of EC. It also provides for the closure of projects allowable/permissible, if prior EC has not been taken as per the EIA notification. She submitted that even if EC is granted, it will be effective from the date of the issue, and therefore, it is not *ex post facto*. She submitted that before such EC is granted, the project proponent will have to pay certain amounts as provided therein based on Polluter Pays Principle. Moreover, the project proponents will have to undertake activities relating to remedial plan and community accommodation plan. She also pointed out that the projects which are not allowable or permissible, shall be demolished. She also pointed out provisions regarding penalty, project proponents furnishing bank guarantee, etc. Thus, in short, her submission is that the object of the 2021 OM is to protect those projects and industries which could have been granted an EC under EIA notification before the date of commencement of activities, but proceeded to commence

activities without EC. Her submission is that this measure has been taken to ensure that the huge spending on constructions is not lost and wasted.

OUR VIEW

26. The basic submission by learned ASG is based on a premise that what is provided under the 2021 OM is not grant of *ex-post facto* EC. The relevant part of the 2021 OM is in paragraph 10 and 11, which read thus:

“10. Standard Operating Procedure-Guiding Principles:

- i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**
- ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**
- iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**
- iv. **Polluter pays:** Violators to pay for violation period proportionate to the scale of project and extent of commercial transaction.
- v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2	If prior EC is available for existing/old unit	Order to revert the activity /production to permissible limits.
3	If prior EC was not required for earlier production level but is now required	Restrict the activity /production to the extent to which prior EC was not required

Step 2: Action under Environment (Protection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of

*commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished**.*

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central Level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluter Pays principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present form/configuration/features** then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the**

amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA). The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation Plan and Natural & Community Resource Augmentation Plan."**

27. In short, it provides for grant of EC to category of 'allowable/permissible' projects. We must remember that the 2021 OM is applicable even to the completed projects. The 2021 OM says that grant of EC to such projects shall be effective from the date of issue. If the project proponent goes ahead with construction which requires EC under the EIA notification, it will amount to violation of the provisions of 1986 Act and 1986 Rules. It will attract penalty under Section 15 of the 1986 Act. Perusal of the provisions of Section 15 shows that even if the penalty is paid by the project proponent, it will not regularise the project. Therefore, even after the payment of penalty, if the project is under construction, the same has to be stopped and demolished and even if operation has already commenced, the same has to be stopped and demolished. Therefore, the construction work has to be demolished.

28. Now, we will consider what is the meaning of “*ex post facto*”. Various dictionary meanings can be summarised as under:

- a)** Having retrospective effect or force;
- b)** From a thing done afterwards;
- c)** Retroactive or affecting something that has already happened.

29. Now, we will take a case of *ex post facto* EC provided under the 2017 notification. The effect of grant of *ex post facto* clearance is that if without obtaining EC, construction is in progress, the same is allowed to continue. If the construction is complete and operation and processes are going on, the same can go on after *ex post facto* EC is granted. Effect of grant of EC under clause (11) of 2021 OM will be grant of permission to complete the construction of the project, though construction had commenced without prior EC. Where the construction is already complete which is being used for processes etc., by grant of EC, the process/activities can continue. Thus, in effect, the EC granted under clause (11) of 2021 OM regularises something which was illegal with retrospective effect. In effect, the EC granted under clause (11) of 2021 OM will regularise the illegality done by commencing the construction or commencing the project without prior EC. Therefore, in substance, what is provided is grant of *ex post facto* EC. In other

words what is granted is EC with retrospective effect as it regularises illegality committed earlier. The grant of EC under the 2021 OM, no doubt, is subject to making payment of compensation determined based on Polluter Pays Principle and undertaking activities relating to remedial plan. Once there is a violation of the EIA notification, the project proponent has to compensate following the Polluter Pays Principle. Even if, EC is not granted to him he has to pay for remedial plan to remedy the damage done to the environment. He has to also pay the penalty under Section 15 of the 1986 Act. Therefore, what is done by the 2021 OM is something which was completely prohibited by this Court in the cases of **Common Cause**² and **Alembic Pharmaceuticals**³. It is an attempt to bring in an *ex-post facto* or retrospective regime by craftily drafting the SOP. The grant of EC under the 2021 OM in substance and in effect amounts to *ex post facto* grant of EC. The Court must come down very heavily on the attempt of the Central Government to do something which is completely prohibited under the law. Cleverly, the words *ex post facto* have not been used, but without using those words, there is a provision to effectively grant *ex post facto* EC. The 2021 OM has been issued in violation of the decisions of this Court in the cases of **Common Cause**² and **Alembic Pharmaceuticals**³. Therefore, we have no manner of

doubt that the 2021 OM which permits grant of EC is completely arbitrary and illegal. Moreover, the 2021 OM does not refer to exercise of any power under the 1986 Act or the 1986 Rules.

30. There is one more aspect which is required to be noted. As per paragraph 14 of the 2017 notification, provision for grant of *ex post facto* EC was made only in relation to projects or activities which were in violation as of 14th March 2017. Therefore, grant of *ex post facto* clearance was not permitted under 2017 notification for the projects and activities which were commenced or continued after 14th March 2017. The window which was initially for a period of six months was eventually extended till completion of 30 days from 14th March 2018. Therefore, the 2021 OM is brought in to do something which was not permissible under the 2017 notification, the law laid down by this Court, and the solemn undertaking given by the Central Government to the Madras High Court. We must deprecate such effort on the part of the Central Government.

31. The EIA notification is of 14th September 2006. When the 2021 OM was issued, it was nearly 15 years old. Therefore, all project proponents were fully aware of the stringent requirements under the EIA notification. The 2021 OM seeks to protect the violations of the EIA notification which have taken place or continue to take

place 15 years after the EIA notification came into force. Thus, the 2021 OM seeks to protect violators who have acted with full knowledge of consequences of violating the EIA notification. Those who violate the law regarding obtaining prior EC are not only committing gross illegality, but they are acting against the society at large. The violation of the condition of obtaining prior EC must be dealt with heavy hands. In environmental matters, the Courts must take a very strict view of the violations of the laws relating to the environment. It is the duty of the Constitutional Courts to do so.

32. Under Article 21 of the Constitution of India, the right to live in a pollution free environment is guaranteed. In fact, the 1986 Act has been enacted to give effect to this fundamental right. In 1977, fundamental duties of all citizens were incorporated in the Constitution which enjoined every citizen of India to protect and improve the environment as provided in clause (g) of Article 51A. Therefore, even the Central Government has a duty to protect and improve the natural environment.

33. Today, in the year 2025, we have been experiencing the drastic consequences of large-scale destruction of environment on human lives in the capital city of our country and in many other cities. At least for a span of two months every year, the residents of Delhi suffocate due to air pollution. The AQI level is either dangerous or

very dangerous. They suffer in their health. The other leading cities are not far behind. The air and water pollution in the cities is ever increasing. Therefore, coming out with measures such as the 2021 OM is violative of fundamental rights of all persons guaranteed under Article 21 to live in a pollution free environment. It also infringes the right to health guaranteed under Article 21 of the Constitution.

34. The 2021 OM talks about the concept of development. Can there be development at the cost of environment? Conservation of environment and its improvement is an essential part of the concept of development. Therefore, going out of the way by issuing such OMs to protect those who have caused harm to the environment has to be deprecated by the Courts which are under a constitutional and statutory mandate to uphold the fundamental right under Article 21 and to protect the environment. In fact, the Courts should come down heavily on such attempts. As stated earlier, the 2021 OM deals with project proponents who were fully aware of the EIA notification and who have taken conscious risk to flout the EIA notification and go ahead with the construction/continuation/expansion of projects. They have shown scant respect to the law and their duty to protect the environment. Apart from violation of Article 21, such action is completely arbitrary

which is violative of Article 14 of the Constitution of India besides being violative of the 1986 Act and the EIA notification.

35. We are, however, conscious of the fact that *ex post facto* EC may have been granted in certain cases both under the 2017 notification and the 2021 OM. ECs already granted under 2017 notification and the 2021 OM, at this stage, should not be disturbed.

36. Hence, we pass the following order:

- a) We hold that the 2017 notification and the 2021 OM as well as all circulars/orders/OMs/notifications issued for giving effect to these notifications are illegal and are hereby struck down;
- b) We restrain the Central Government from issuing circulars/orders/OMs/notifications providing for grant of *ex post facto* EC in any form or manner or for regularising the acts done in contravention of the EIA notification;
- c) We clarify that the ECs already granted till date under the 2017 notification and the 2021 OM shall, however, remain unaffected.

37. The writ petitions and civil appeals are accordingly allowed on the above terms.

.....J.
(Abhay S. Oka)

.....J.
(Ujjal Bhuyan)

**New Delhi;
May 16, 2025**

MINUTES OF THE 25TH MEETING (VIRTUAL) OF THE EXPERT APPRAISAL COMMITTEE FOR RIVER VALLEY AND HYDROELECTRIC PROJECTS HELD ON 27TH FEBRUARY, 2025

The 25th meeting of the EAC for River Valley & Hydro-electric Projects organized by the Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi, was held on 27th February, 2025 (Virtual Mode), under the Chairmanship of Prof. G. J. Chakrapani. The list of Members present in the meeting is at Annexure.

Confirmation of the Minutes of the 24th EAC meeting:

The Minutes of the Meeting held on 24th EAC meeting on 14th February, 2025 were confirmed.

Agenda Item No. 25.1

Expansion of Tembhu Lift Irrigation Project in an area of 2284.601 ha at Village Tembhu, Ranad, Govare and etc, Sub District Khatav, Atpadi, Karad and etc, District Satara, Sangli and Solapur, Maharashtra by M/s Minor Irrigation Division, Sangli Water Resources Department, Maharashtra Krishna Valley Development Corporation– Environmental Clearance (EC) - reg.

[Proposal No. IA/MH/RIV/482689/2024; F. No. J-12011/48/2023-IA.I (R)]

25.1.1: The proposal is for grant of Environmental Clearance (EC) to the project for Expansion of Tembhu Lift Irrigation Project in an area of 2284.601 ha at Village Tembhu, Ranad, Govare and etc, Sub District Khatav, Atpadi, Karad and etc, District Satara, Sangli and Solapur, Maharashtra by M/s Minor Irrigation Division, Sangli Water Resources Department, Maharashtra Krishna Valley Development Corporation.

25.1.2: The Project Proponent and the accredited Consultant M/s MITCON Consultancy & Engineering Services Ltd., Pune, Maharashtra, made a detailed presentation on the salient features of the project and informed that:

- i. Krishna Koyana Lift Irrigation Scheme (KKLI), which is under construction, provides irrigation benefits to drought prone Kadegaon, Khanapur, Tasgaon, Miraj & Kavathe Mahankal and Jat Taluka of Sangli district and Songola and Mangalvedha taluka of Solapur of district. Takari Lift Irrigation Scheme provides irrigation in Khanapur, Kadegaon and Tasgaon talukas up to RL 2100 ft. while Mhaisal Lift Irrigation Scheme provides Irrigation in Miraj, and Kavathemahankal, Jath, Songala and Mangalvedha taluka up to RL. 2200 ft. There was persistent demand for irrigation benefits to areas above RL 2100 ft from Kadegaon, Khanapur, Tasgaon, Atpadi, Sangola, Kavathe Mahankal talukas by way of Lift Irrigation Scheme. As it was not possible to make changes in scope of KKLIS, which was in advanced stage of construction, a separate lift irrigation scheme named Tembhu Lift

Agenda Item No. 25.2

OA No. 71/2020 (SZ) in the matter of Gavinolla Srinivas Vs. UOI and Ors. Hon'ble NGT, Southern Bench, Chennai regarding Rayalaseema Lift Scheme of State of Andhra Pradesh. – Compliance of Hon'ble NGT Order

The Member Secretary, EAC informed the committee that the instant court matter is regarding new lift scheme namely “ Rayalaseema Lift Scheme ” taken up by the State of Andhra Pradesh without obtaining the prior EC. The Applicant has alleged that the State of Andhra Pradesh has started construction in the guise of preparation of DPR even after directions of the Hon'ble Tribunal for not constructing the project without prior environmental clearance.

2. The EAC deliberated on the aforementioned issue during the EAC meeting held on 05.11.2024 and 10.01.2025 wherein the EAC suggested following Terms of Reference to ensure that the investigations done for DPR preparation have not resulted in alteration of natural environment and does not encroach the provisions of the EIA Notification, 2006, as amended:

- a) The Project Proponent must restore the project site to its original condition after completion of field studies for preparation of the DPR. All temporary structures, excavated areas, and any other modifications made during the DPR preparation phase must be reverted to their pre-existing state.
- b) The Project Proponent before submitting a proposal for grant of EC shall ensure compliance of the following directions:
 - i. A Certificate/ NOC for a limited period stating that activities undertaken by the Project Proponent at proposed project site for DPR preparation are within the ambit of EIA Notification, 2006, as amended be obtained from concerned RO MoEF&CC. This certification/ NOC should be based on a joint inspection conducted by representatives of RO MoEF&CC, CWC, GSI, CSMRS. The concerned RO MoEF&CC would be the Nodal authority in this regard.
 - ii. The joint inspection team must ensure and certify that no environmental damage has been caused by the Project Proponent in the guise of DPR preparation. If, any damage is observed, it must be documented and addressed as per applicable legal and regulatory provisions.
 - iii. The Project Proponent must submit a comprehensive report to the Ministry on the actions taken for site restoration, including photographic evidence, restoration methods, and a timeline of the activities.

3. Furthermore, the Terms of Reference suggested by the EAC were then examined by the Ministry and it emerged that, seeking a certificate based on site inspection would add another layer to the EC process and increase the compliance burden and the time taken for grant of EC.

It was felt that the use of technological interventions may be more appropriate. Therefore, it was decided that the matter shall be further deliberated in consultation with sectoral EAC.

EAC Deliberations:

4. The EAC in the current meeting deliberated on the aforementioned issue and agreed with the concern raised by the Ministry. In this regard, it was suggested that at the time of EC application the PP shall submit an undertaking in the form of an affidavit authorised and duly signed by the competent authority stating that no work has been done beyond the purpose of preparation of DPR along with a comprehensive report to the Ministry on the actions taken for site restoration, including photographic evidence, restoration methods, and a timeline of the activities. Further, if any part of the information and data found to be false or misleading at any stage, he shall be liable for action under the provisions of Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981; and the Environment (Protection) Act, 1986.

5. In light of the above, the Committee unanimously recommended the modification of additional Terms of reference suggested vide EAC Meeting dated 10.01.2025.

Agenda Item No. 25.3

Harmonization and Optimization of Environmental Clearance Conditions for River valley and Hydro-electric sector- reg

The Member Secretary of the EAC informed the committee that the Ministry is in the process of harmonizing and optimizing Environmental Clearance conditions for River Valley and Hydro-Electric Projects in consultation with the sectoral EAC. It was further stated that the EAC had previously discussed a similar process during its meeting on 13.08.2024, where the committee made the following observations:

"....After perusal of the document the EAC observed that many conditioned mentioned in the document are not applicable to the River Valley and Hydro-electric Sector. Accordingly, it was recommended that Member Secretary may prepare a comparative chart showing existing environmental conditions and the conditions which have been optimised for the River Valley and Hydro-electric sector. The comparative chart may be shared with the EAC members so that after thorough examination, the same can be finalised in the next meeting of the EAC..."

Accordingly, a draft set of conditions were shared with the EAC. Subsequently, the EAC members provided various suggestions on the conditions, which were discussed in detail during the present meeting.

The Expert Appraisal Committee (EAC) recommended for having a consultation with stakeholder such as MoJS, MoP, EIA consultants, Project Proponents and other subject area experts for addressing the recent environmental/social challenges in developing the River Valley



Government of India
Ministry of Environment, Forest and Climate Change
IA Division
(River Valley and Hydroelectric Projects)



Minutes of 49TH MEETING Expert Appraisal Committee meeting River Valley and Hydroelectric Projects held from 24/07/2023 to 24/07/2023

Date: 10/08/2023

MoM ID: EC/MOM/EAC/625598/7/2023
Agenda ID: EC/AGENDA/EAC/625598/7/2023
Meeting Venue: N/A
Meeting Mode: Virtual
Date & Time:

24/07/2023	10:30 AM	05:30 PM
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1. Opening remarks

The 49th meeting of the re-constituted EAC for River Valley & Hydroelectric Projects organized by the Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi, was held on 24th July, 2023 through virtual mode, under the Chairmanship of Dr. A. K. Malhotra list of members present in the meeting.

2. Confirmation of the minutes of previous meeting

Confirmation of the minutes of 48th EAC meeting held on 26th – 27th June, 2023.

3. Details of proposals considered by the committee

Day 1 -24/07/2023

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Expansion of Krishna Koyna Lift Irrigation Project in Sangli and Solapur Districts Maharashtra by Department of Irrigation located at SANGLI, MAHARASHTRA			
Proposal For		Fresh EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
IA/MH/RIV/431564/2023	J-12011/5/2009-IA.I (R)	26/06/2023	River Valley/Irrigation projects (1(c))

- ii. Details of Muck Management plan prepared along with estimated cost incorporated in EIA/ EMP report.
- iii. Techno-economic viability of the project must be recommended from CEA/ CWC

[D] Miscellaneous.

- i. Pre-DPR Chapters viz. Layout Map and Power Potential Studies duly approved by CWC/CEA shall be submitted.
- ii. Undertaking need to submitted on affidavit that regarding no activities has been yet started on the project site and water allocated to this scheme shall not be diverted to other purpose.
- iii. Both capital and recurring expenditure under EMP shall be submitted.
- iv. The photograph should bear the date, time, latitude & longitude of the monitoring station/ sampling location. In addition to this PP should submit the original test reports and certificates of the labs which will analyse the samples.
- v. Arial view video of project site shall be recorded and to be submitted.
- vi. Detailed plan to restore wider roads and convert them into narrow upto 10m after construction of the project.

Agenda item No. 49.7

Palamuru Rangareddy Lift Irrigation Scheme (Phase II: Irrigation) in Districts of Mahbubnagar, Rangareddy & Nalgonda, Telangana by M/s Irrigation and CAD Department, Government of Telangana – Reconsideration Environmental Clearance (EC) - reg.

[Proposal No. IA/TG/RIV/289525/2017; F. No. J-12011/31/2017-IA.I (R)]

49.7.1: The proposal is for grant of environmental clearance to the project for Palamuru Rangareddy Lift Irrigation Scheme (Phase II: Irrigation) in Districts of Mahbubnagar, Rangareddy & Nalgonda, Telangana by M/s Irrigation and CAD Department, Government of Telangana.

49.7.2: The proposal was last considered by the EAC in its 48th EAC meeting held on 27th June, 2023, wherein the EAC observed that the project proponent has not calculated the damage cost appropriately as per the SOP. The EAC suggested to revise the environmental damage cost, Remediation Plan and Community Augmentation plan. Also bring all calculations in one table.

The PP submitted the revised information as suggested by the EAC vide letter dated 13.07.2023 accordingly the proposal was considered in 49th EAC meeting held on 24.07.2023.

49.7.3: The Project Proponent and the accredited Consultant M/s Voyants Solutions Private Limited, made a detailed presentation on the salient features of the project and informed the following:

[A] Package wise Details of Work Executed and Violation Period

Package Number	Work Description Under Package	Work commencement date	Date of halt	Total working days	% of work Completed

			of work		
1	Construction of Stage-1 Pumping Station	06-07-2016	22-11-2021	1596	42.37
2	Formation of Anjanagiri reservoir, Narlapur(V), Kollapur(M)	10-08-2016	31-10-2021	1551	89.44
3	Approach channel, Open canal including construction of CM & CD works and Head Regulator from Anjanagiri Reservoir at Narlapur (V) i.e., from Km 0.00 to Km 8.325 towards Veeranjanya Reservoir at Yedula (V)	24-06-2016	01-11-2021	1341	72.30
4	Construction of Twin tunnel in between Narlapur Reservoir at Narlapur (v) and Yedula Reservoir at Yedula (v)	26-07-2016	22-11-2021	1904	66.62
5	Construction of Stage-2 Pumping station near Veeranjanya Reservoir	21-07-2016	31-10-2021	1947	47.12
6	Earth work Exacavation of Approach channel, Open canal including construction of CM&CD Works and Head regulator from Veeranjanya Reservoir at Yedula Village i.e., from km 0.00 to km 6.40 to Venakadri Reservoir,	13-07-2016	11-11-2021	1632	90.66
7	Construction of Tunnel from Km.6.400 to Km.25.400 between Veeranjanya Reservoir at Yedula (V) to Venkatadri Reservoir at Vatem (V)	06-10-2016	21-11-2021	1797	55.05
8	Construction Of Stage -3 Pumping Station at	19-09-2016	17-11-	1873	48.00

	Vattem		2021		
9	Formation of Venkatadri Reservoir bund from Km 0.00 to Km Km.6.900/6.770 at Vattem(V), Bijinepally(M), Mahabubnagar District.	03-10-2016	18-11-2021	1365	80.00
10	Formation of Venkatadri Reservoir Bund from Km 6.770 to 10.750 at Vattem (V)	29-07-2017	16-11-2021	960	71.00
11	Formation of Venkatadri Reservoir Bund from Km 10.750/11.550 to Km 15.230/16.300	30-10-2016	20-11-2021	1540	63.35
12	Earth Work Excavation of Canal from Venkatadri Reservoir to Kurumutharya Reservoir & Construction of CM & CD works.	19-05-2016	13-11-2021	1728	74.00
13	Formation of Kurumurthyraya Reservoir Bund from Km.0.000 to Km.4.500 at Karvena (V) Boothpur (M) Mahabubnagar (Dist) of Palamuru Rangareddy Lift Irrigation Scheme.	18-10-2016	31-10-2021	1479	69.87
14	Formation of Kurumuthyraya Reservoir bund from Km. 4.500 to Km. 7.600 at Karivena (V), Boothpur (M), Mahabubnagar Dist.	18-10-2016	31-10-2021	1444	58.33
15	Formation of Kurumuthyraya Reservoir bund from Km. 7.600 to Km. 14.400 at Karivena (V), Boothpur (M), Mahabubnagar Dist.	18-10-2016	31-10-2021	1504	84.32
16	Construction of Stage-IV Pumping Station near Udandapur village of	09-04-2016	31-10-2021	1911	36.00

	Jadcherla Mandal in Mahabubnagar District.				
17	Formation of Udandapur Reservoir from Km 0.000 to Km 6.300 at Udandapur (V), Jadcherla (M), Mahabubnagar District	03-10-2019	31-10-2021	778	58.23
18	Formation of Udandapur Reservoir from Km 6.300 to Km 15.875 at Udandapur (V), Jadcherla (M), Mahabubnagar District	06-07-2018	31-10-2021	1092	48.38

The project proponent had been refrained from causing further damage to environment and as principal polluter the PP is responsible to compensate for causing damage to the environment as per Polluter Pays Principle, the project proponent has to undertake activities relating to Remediation Plan, Natural Resources Augmentation Plan and Community Resources Augmentation Plan in a time bound manner i.e:3 Years Time in an effort to restore the environmental damage afflicted including its implication on social aspects. Due to linear configuration of project, the work under the project is not concentrated at one point but spatially spread. The human settlement which are within 3 km from the project area under Phase-I works have been considered as project impacted villages (Table 13.29). There are in all 58 villages which can be categorised as project impact villages of which 43 are covered in 8 mandals of Nagarkurnool district and 15 in 3 mandals of Mahabubnagar district. Accordingly, the various damages cost is enumerated. The summary cost of Remediation Plan, Natural Resources and Community Resources Augmentation Plan is Rs 153.70 Crores. As per Para 11 Step:3 B viii of the OM dated, 7th July 2021, the project proponent shall be required to submit bank guarantee of equivalent amount i.e., Rs 153.70 Crores with the TPCB subject to recommendation of quantum of such amount by MoEF&CC. The said bank guarantee shall be released after successful implementation of the Remediation Plan, Natural and Community Resource Augmentation Plan. Besides this the project proponent shall have to pay the penal amount of Rs 106.00 Crores to TPCB.

[B] Summary of Environmental Damage Cost

S.N.	Environment Attributes	Damage cost (Rs lakh)
1	Land Environment	
(i)	Cost Compensation due to Improper Implementation of Muck Management	520.78
(ii)	Cost Compensation due to incomplete Implementation of Green Belt	2895.00
(iii)	Cost Compensation due to Partial Management of Solid Waste	368.00

2	Air Environment	
(i)	Damage Cost due to emission from excavation/Quarrying	5087.86
(ii)	Damage Cost due to emission from Dozing (Heavy Construction)	667.32
(iii)	Damage Cost due to emission from Transportation of construction Material	2383.33
3	Noise and Vibration	342.72
4	Wildlife Conservation and Biodiversity Plan	82.00
5	Water Environment (Compensation for Non-Provision of STP)	155.88
6	Cost Saving from Partial Implementation of Provision Under Sanitation Plan	230.19
7	Cost Saving from Partial Implementation of Fuel Wood Saving Devices	182.24
8	Cost Saving from Partial Implementation of Provision under OHS	191.77
9	Avoidance/Substitution cost saved in respect of other EMP	2262.00
Total		15369.09

[C] Remediation Plan with Year wise Break-up of Budget

S.N	Environmental Attribute	Plan Activity	Location	Quantity	Unit Rate (Rs)	Total Budget (Rs lakh)	Year wise Break-up		
							I-Year	II-Year	III-Year
1	Air & Noise	Avenue plantation @ 5000 Nos/village and areas between project and habitation with 3 years maintenance and cost of tree guard.	58 villages	290000	800/tree	2320.00	928.00	928.00	464.00
(a)						0			
	(b)	Community plantation /wind barriers in each of villages @ 1500 Nos/village with 20% fruit	58 villages	87000	800/tree	696.00	280.00	280.00	136.00

		bearing 30% fodder trees with 3 years maintenance								
(c)		Supply of battery-powered Ride on Road Sweeper, 1800 watt, 2000mm including O&M charges for 3 years.	58 villages	58	200000/No.	1160.00	460.00	460.00	240.00	
2	(a)	Water Environment	Constructing RWH-Percolation tank one in each of PA villages	58 villages	58	150000/each	870.00	345	345	180
(b)			1000 LPH SS RO Plant (ISI Standard) Including Storage Tanks and Installation 2 in each PA villages i/c 3-year maintenance	58 villages	116	400000/each	464.00	184	184	96
(c)			Renovation of water bodies like ponds, including desilting in nearby PA villages	58 villages	116	600000/each	696.00	278.40	278.40	139.20
3	(a)	Ecology& Biodiversity	Development of grazing and pasture land with proper fencing in PA Villages close to reservoirs	20 villages	26	250000/each	650.00	260.00	260.00	130.00
(b)			Construction of Botanical Park for conservation of local/	Nagarkurnool Mahabubnagar	2	100000/each	200.00	80.00	80.00	40.00

	endemic species								
(c)	Subsidy for intensive aquaculture in new ponds in areas nearby 5 reservoirs	Nagarkurnool Mahabubnagar	207	100000 /person	207.00	80.00	80.00	47.00	
Total					7263.00	2895.40	2895.40	1472.20	

[D] Natural Resource Augmentation Plan with Year wise Break-up of Budget

S. N.	Environmental Attribute	Plan Activity	Location	Quantity	Unit Rate (Rs)	Total Budget (Rs lakh)	Year wise Break-up		
							I-Year	II-Year	III-Year
1	(a)	Reclamation of dump sites through conversion into community nursery sapling growing centre, 5 each in 2 districts, and issue of seeds and fertilizers for farmers located within 5 KM of project construction sites:	Nagarkurnool Mahabubnagar	10	2500000/each	250.00	100.00	100.00	50.00
	(b)	Construction of Solid waste processing yard and supply & installation of machineries with handling	Nagarkurnool Mahabubnagar	4	10000000/each	400.00	200.00	100.00	100.00

		capacity of 10 Tons per day (Wet & Dry Processing) each 2 each in 2 districts							
2	Energy Conservation	Providing Solar Street Lighting (40 Watt) 30/31 in each PA villages and 200 in villages abutting 5 reservoirs, i/c all accessories and 3 years maintenances	58 villages	2789	40000/each	1115.60	446.24	446.24	223.12
(a)									
(b)		Subsidy for arranging and installation of Solar submersible water pumps (5 HP) i/c all accessories 3 years maintenances @ 19/20 Nos each in each of PA villages.	58 villages	1131	200000/each	2262.00	904.80	904.80	452.40
Total						4027.60	1651.04	1551.04	825.52

[E] Community Resource Augmentation Plan with Year wise Break-up of Budget

S. N.	Plan Activity	Location	Quantity	Unit Rate (Rs)	Total Budget	Year wise Break-up
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	Environmental Attribute					t (Rs lakh)	I-Year	II-Year	III-Year
1	Air & Noise								
(a)	Updation/renovation/ repair of public buildings like Community Centres, Library, Yuva (Youth) Mandal Centres, Anganwadi/Gymnasium and Public Toilets in locations within 5 KM of project construction sites @15 locations each in 2 districts	Mandal	15	3000000/each	450.00	180.00	180.00	90.00	
(b)	Construction of Bus Shelters one each in villages / towns nearby project area	58 villages	58	500000/No	290.00	115.00	115.00	60.00	
2	Socio-economic								
(a)	Supply of Ambulance with basic life care amenities one each to nearby Government Primary Health Centres /CHC /District Hospital,	PHC/CHC near the affected villages	31	2000000/each	620.00	240.00	240.00	140.00	
(b)	Supply, installation, and 3 years maintenances of medical equipment's like X-ray machine, Vitals Monitors, Stretchers, Wheelchair	PHC/CHC near the affected villages	25	1000000/each	250.00	100.00	100.00	50.00	

	and Furniture one set each in nearby village Government primary health centres / CHC hospital of project area								
(c)	Supply, installation, and 3 years maintenances of Haemodialysis machine with RO System and Neo Natal Ventilator 2 each in nearby CHC /district hospital of project area	CHC/ District Hospital	20	5000000 /each	100 0.00	400 .00	400 .00	200 .00	
(d)	E-learning for schools by providing computers	Affected Village schools	14 7	1000000 /each	147 0.00	588 .00	588 .00	294 .00	
Total					408 0.00	162 3.00	162 3.00	83 4.0 0	

[F] Compliance of Grievances of Public Hearing vide O.M dated 30th September, 2020 in Superseding of CER

S.N	Description	Cost proposed under LADP (Rs lakh)	Cost proposed under other EMP (Rs lakh)	Total Cost (Rs lakh)	I-Yr	2 Yr	3Yr
1	Health Care	394	0	394	158	158	78
2	Education	847	0	847	290	290	267
3	Infrastructure Development	1966	2000	3966	132 2	1322	132 2
4	Sanitation	129	0	129	43	43	43
5	Skill Development	385	0	385	154	154	77
6	Environment Enhancement	679	4415	5094	169 8	1698	169 8
		4400	6415	1081 5	366 5	3665	348 5

[G] Abstract of Cost of Plan, Penal Amount & Bank Guarantee Amount

S.N.	Particular/Plan	Estimated Cost (Rs. Crore)
1	Remediation Plan	72.63
2	Natural Resources Augmentation Plan	40.27
3	Community Resources Augmentation Plan	40.80
Total		153.70
4	Equivalent Amount of Bank guarantee	153.70
5	Penalty as per para 12a(i) & 12.2 of the OM, dated 7 th July, 2021 on total project cost incurred i.e Rs. 21200 Crores.	106.00

49.7.4 The EAC during deliberations noted the following:

The proposal is for grant of environmental clearance for Palamuru Rangareddy Lift Irrigation Scheme (Phase II: Irrigation) in Districts of Mahbubnagar, Rangareddy & Nalgonda, Telangana by M/s Irrigation and CAD Department, Government of Telangana. The project/activity is covered under category 'A' of item 1 (c) 'River Valley projects' of the Schedule to the Environmental Impact Assessment Notification, 2006 and appraised at Central level by the sectoral EAC in the Ministry as category 'A'.

The EAC noted that the ecological damage assessment report has been revised as per SOP issued by the Ministry vide Office Memorandum no. 22-21/2020-IA.III dated 7.07.2021. The Project Proponent have to ensure the necessary steps towards successful implementation Remediation Plan, Natural Resources and Community Resources Augmentation Plan, as appraised by the EAC, in time bound manner.

The EAC examined the public hearing report and observed that the public hearing was conducted by Telangana State Pollution Control Board on 10th August, 2021 simultaneously in six districts namely Mahabubnagar, Nagarkurnool, Rangareddy, Vikarabad, Nalgonda and Narayanpet and major issues emerged were about land acquisition, compensation and water supply in drought prone area.

The EAC also observed the directions passed by the Hon'ble National Green Tribunal (NGT) vide order dated 22.12.2022 in the matter of OA No. 212 along with OA No. 148. The Hon'ble NGT has directed for constitution of an expert committee for suggesting the remedial measures for restoration of the ecological/social damage caused due to construction project without obtaining the Environmental Clearance. The project proponent must follow the recommendations of the expert committee in true sense.

The EAC agreed about the project requirement in the region but implementation of remedial measures for restoration of ecological sanctity is utmost requirement for ensuring the sustainable development.

49.7.4 The EAC after examining the information submitted by the project proponent on PARIVESH and as presented during the meeting **recommended** the proposal for grant of Environmental Clearance for Palamuru Rangareddy Lift Irrigation Scheme (Phase II: Irrigation) in Districts of Mahbubnagar, Rangareddy & Nalgonda, Telangana by M/s Irrigation and CAD Department, Government of Telangana, under the provisions of EIA Notification, 2006 and as amended with subject to compliance of applicable Standard EC conditions with the following additional conditions:

[A] Environmental Management and Biodiversity Conservation:

1. The Ecological/Social damage shall be restored in time bound manner as per Ecological Damage Assessment Report appraised by the EAC. EAC recommended for an amount of Rs 153.70 crore towards Remediation plan, Natural Resources Augmentation Plan and Community Resources Augmentation Plan to be spent within a span of three years.
2. The remedial measures to be suggested by the expert committee constituted as per directions of the Hon'ble NGT in the matter of OA No. 212 along with OA No. 148 vide order dated 22.12.2022 shall be implemented.
3. Project Proponent shall be required to submit a bank guarantee of an amount of Rs. 153.70 crore towards Remediation plan, Natural Resources Augmentation Plan and Community Resources Augmentation Plan with the SPCB prior to the grant of EC and proof will be submitted to the MoEF&CC.
4. Remediation plan shall be completed in 3 years whereas bank guarantee shall be for 5 years. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
5. The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the E (P) Act, 1986 and further no consent to operate to be issued till the project is granted EC. The action details shall be submitted to the Ministry prior to grant of Environmental Clearance.
6. The project proponent shall submit Rs. 106.00 crore as penalty as per Ministry's SOP vide OM dated 7.07.2021 under Polluters Pay Principle to the State Pollution Control Board.
7. Extensive plantation of native perennial trees shall be done along all the proposed reservoirs for developing tree layer of 500-meter width with 90% survival rate. Time bound action plan in this regard shall be prepared and implemented in association with State Forest Department and local panchayats.
8. The Environmental Management Plan (EMP) shall be strictly adhered to as submitted in the EIA/EMP reports. The budgetary provisions for implementation of EMP, shall be fully utilized and not to be diverted to any other purpose. In case of revision of the project cost or due to price level change, the cost of EMP shall also be updated proportionately.
9. Ambient Air Quality Monitoring Stations for real time data to be installed at project site, shall be displayed at project site and its report to be submitted to IRO, MoEF&CC.
10. Watershed development plan shall be prepared in consultation with ICAR/expert Govt. institute and be implemented within 10 km radius of the projects. Implementation status be submitted in the 6 monthly compliance report.
11. Environment Management Cell shall be created in the project consisting environmental officers having post graduate degree in environmental sciences/Environmental Engineering to monitor implementation of Environment Management Plan in the project. The head of the Environment Cell shall report directly to the head of the project.
12. Wildlife conservation plan shall be implemented after due approval of the State PCCF/CWLW. Biodiversity Management Committee (BMC) shall be constituted for Monitoring and Evaluation of implementation of Biodiversity Conservation Plan

and Wildlife Conservation Plan as approved by the PCCF/CWLW. The BMC shall comprise MoEF&CC representative from concerned regional office.

[B] Disaster Management

1. Necessary permission to be obtained for quarrying construction materials for the project as per the EIA Notification, 2006 and subsequent amendments thereof.
2. Disposal of the excavated muck to be carried out in scientific manner. Restoration and reclamation plan of muck disposal area shall be prepared and shall be taken up pari passu with construction work and to be completed before commissioning of the project.
3. Stabilization of muck disposal sites using biological and engineering measures shall be taken up immediately to ensure that muck does not roll down the slopes and does not pollute the natural streams/canals and water bodies in surrounding area. The plantation on muck disposal site with local species for restoration of ecology and environment of the project site area.
4. Necessary control measures such as water sprinkling arrangements, and construction of paved roads leading to muck disposal sites etc. shall be taken up on priority to arrest fugitive dust at all the construction sites.
5. Solid waste generated, especially plastic waste, etc. should not be disposed of as landfill material. It should be treated with scientific approach and recycled. Use of single-use plastics may be discouraged.

[C] Socio economic

1. Status of the existing medical facilities in the project area shall be discussed. Possibilities of strengthening of existing medical facilities, construction of new medical infrastructure etc. will be explored after assessing the need of the labour force and local populace.
2. The budget for plantation and other EMP activities should be revised as per existing rate.
3. R.O drinking water facilities be provided to villagers @ 10 households/Tap water.
4. Under CER activities, preference should be given to strengthen the basic amenities in the project affected villages like maintaining drinking water supply, providing health care facilities, etc.
5. Preference to be given to the local villagers as per the requirements and suitability, in the job/ other opportunities in the project, etc. Measures to be taken to develop skills of the local villagers particularly with respect to the trades related to construction works such as electrician, welder, fitter, etc.

[D] Miscellaneous:

1. After 5 years of the commissioning of the project, a study shall be undertaken regarding impact of the project on the environment. The study shall be undertaken by an independent agency.
2. Bio-Gas plant (Deen Bandhu Model of Bio-Gas) shall be installed in the Project affected area for Utilizing Cattle waste (Cow Dung) into renewable source of fuel.
3. Solar panel be provided to the families living in rural areas within 10 km radius of project.
4. PP shall procure construction material only from those Organizations having all valid legal/statutory clearances/permissions or necessary permission to be obtained for quarrying construction materials for the project as per the EIA Notification, 2006 and as amended thereof.

5. An institutional mechanism to be developed to ensure the preference of jobs to PAFs and also a policy for preferential treatment for award of sundry works to the PAFs and their dependents.
6. The compliance of above conditions shall be monitored by IRO, MoEF&CC through regular site visit twice in a year.

Agenda item No. 49.8

Basania multi-purpose project (CCA 8780 and 100 MW) in an area of 6343.0 Ha Village Odhari, Tehsil Ghugari District Mandla (Madhya Pradesh) by M/s Narmada Valley Development Authority Madhya Pradesh - Terms of Reference (ToR) - reg.

[Proposal No. IA/MP/RIV/413201/2023; F. No. J-12011/01/2023-IA.I (R)]

49.8.1: The proposal is for grant of Terms of References (ToR) to Basania multi-purpose project (CCA 8780 and 100 MW) in an area of 6343.0 Ha Village Odhari, Tehsil Ghugari District Mandla (Madhya Pradesh) by M/s Narmada Valley Development Authority Madhya Pradesh.

49.8.2: The proposal was earlier considered by the EAC in its 40th meeting held on 25/01/2023 for grant of Terms of Reference, wherein the EAC deferred the proposal for want of additional information. The project proponent has submitted the additional information as under: -

Observation of the EAC	Reply submitted by the project proponent
<p>The EAC noted that the project cover area involves around 2107 ha of forest land for establishment of project and its components. No exercise has been done for optimization of forest land as no alternative site analysis was done before submitting the application for TOR. In view of the fact that large chunk of forest land is required for development of project as well as the project cover area is also having tribal population, the EAC suggested to submit the Alternative Site Analysis in terms of ecological aspects viz. loss of Forest ecosystem due to diversion of Forest land/loss of biodiversity and its impacts on productivity of the ecosystem and likely impacts of project on Tribals etc.</p>	<p>A study was carried out by DMR hydro-engineering & Infrastructures Ltd., engineering consultant for the project and a "Study Report on Project Analysis" was prepared.</p> <p>The report covered alternative site analysis and optimization of the forest land. In order to meet the requirement of storing the monsoon flows of Narmada River upstream of Bargi dam reservoir and upstream of Mandla town, three alternative locations have been studied for dam site selection. Any other location upstream of Basania alternative III does not meet the yield requirement due to reduction in catchment area. These locations are spread over a length of 34Km of Narmada River starting from 23 Km u/s of Mandla town and 91 km downstream of proposed Raghavpur MPP. Further downstream locations were not possible due to presence of Mandla town.</p> <p>For optimization of forest land, detailed mapping of the forest land of finally selected alternative III has been carried</p>

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Major Irrigation - GNSS Project - Improvements and alterations to the existing Infrastructure from Srisailam foreshore to Owk Reservoir to provide Irrigation Facilities to 7.63 Lakh Acres and drinking water to a population of 15 Lakhs including Chennai City- Revised administrative approval for Rs. 2155.45 Crores- Accorded - Orders - Issued.

IRRIGATION & CAD (PW:MAJ.IRRI.VI) DEPARTMENT

G.O. Ms. No.206

Date: 18-11-2006.

Read the following:-

1. G.O. Ms. No. 170 I&CAD (PW: Maj. Irri. VI) Department, Dated: 13-09-2005.
2. G.O.Ms. No. 233 I&CAD (PW:Maj. Irri.VI) Department, Dated : 19-12-2005.
3. G.O. Ms. No. 3 I &CAD (PW: Maj. Irri. VI) Department, Dated: 04-01-2006.
4. From the Chief Engineer (Projects), Irrigation, Kadapa Letter No. CF (P)/IGPW/CDP/1825/05, Dated: 05-05-2006.
5. From the Chief Engineer (Projects), Irrigation, Kadapa Letter No. CE/CDO/EEC1/DEE3/61/06, Dated: 28-06-2006.
6. From the Chief Engineer (Projects), Irrigation, Kadapa Letter No. CE (P)/ Irrig./KDP/1525/05, Dated: 5-10-2006.

ORDER:

In the G.O. 1st read above, administrative approval was accorded for Rs. 1252.03 Crores towards the following works of improvements and alterations to the existing infrastructure from Srisailam foreshore to Owk Reservoir to discharge 40,000 cusecs from Pothireddypadu Regulator for providing irrigation facilities to 7.63 Lakhs Acres and drinking water to a population of 15 lakhs in addition to providing drinking water to Chennai City.

- i) Providing additional vents to Pothireddypadu regulator to discharge 40,000 Cusecs:
- ii) Widening and lining the existing Srisailam Right Main Canal to discharge 40,000 Cusecs;
- iii) Providing extra vents to Srisailam Right Branch Canal regulator at Banakacherla Complex;

p.t.o.

: 2 :

- iv) Widening and lining and extra vents for the existing structures including any looping required for the existing SRBC for a length of 57 Km, and
- v) Excavation of an independent channel with C.C. lining including tunnel Connecting Gorakallu Reservoir and Owk Reservoir with a carrying capacity of 10,000 Cusecs.

2. Subsequently, an amendment was issued in G.O. 2nd read above for following the operational rules for Srisaïlam Project and Nagarjunasagar Project systems for the drawls from Pothireddypadu Regulator.

3. Government ordered in G.O. Rt. No. 698 I &CAD (Maj. Irr.V) Department, Dated: 14-08-2005 to increase the allocation of water to Penna Ahobilam Balancing Reservoir from 5 TMC to 10 TMC. There is no direct facility to supply 10 TMC of water from Pothireddypadu Regulator and the same has to be drawn from Tungabhadra Dam for feeding the PABR through H.L.C. system. Further, 10 TMC of waters will also be drawn from Pothireddypadu regulator to be released to K.C. Canal System. With this 10 TMC, the total drawls from Pothireddypadu regulator will be 120 TMC and these have to be drawn in 30 flood days and for this the capacity of Pothireddypadu regulator and its connected system have to be increased to 44,000 Cusecs.

5. The Chief Engineer (Projects), Kadapa in the references 4th to 6th read above, has submitted proposals for Revised Administrative Approval for Rs. 2155.45 Crores for modification/alteration of the infrastructure from Pothireddypadu Head Regulator to Owk Reservoir consisting of components indicated below.

- a) Construction of new Head Regulator at Pothireddypadu adjacent to the existing Head Regulator for a discharging capacity of 44,000 cusecs including all relevant Hydro mechanical, electrical works.
- b) Formation of new approach and tail channels as unlined canals for the new Head Regulator for a discharging capacity of 44,000 cusecs.
- c) Widening of existing SRMC as unlined canal for a total discharge of 44,000 cusecs, construction of additional components for the existing CM & CD works to suit the canal discharge of 44,000 cusecs.
- d) Construction of new cross regulator for a discharging capacity of 22,300 cusecs for SRBC arm at Banakacherla cross regulator.

Contd..3

- e) Widening of existing SRBC as unlined canal for a discharge of 21,700 cusecs from Banakacherla cross regulator complex to Gorakallu Balancing Reservoir. Construction of additional components for the existing CM & CD works to suit the canal discharge of 21,700 cusecs.
- f) Excavation of GNSS flood flow canal-I (New canal) as unlined canal from Gorakallu Balancing Reservoir to Owk Reservoir for a discharge of 20,000 cusecs and construction of CM & CD works.
- g) Excavation of Owk Tunnel of 16 m. diameter lined tunnel for a discharging capacity of 20,000 cusecs.

6. Government after careful consideration of the proposal of the Chief Engineer (Projects), Irrigation, Kadapa hereby accord revised administrative approval for Rs. 2155.45 crores for the works related to improvements and alterations to the existing infrastructure from Srisailam Foreshore to Owk Reservoir as per the details shown in the **Annexure** to discharge 44,000 cusecs in total.

7. The expenditure is chargeable to "4701-Major & Medium Irrigation - 01- Major Irrigation - Commercial - MH. 133 - GNSS."

8. This order is issued with the concurrence of Finance (Works & Projects) Department vide their U.O. No. SP/8465/F.7/ (A2)/2006-1, dated 28-10-2006.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
Secretary to Government

To

The Chief Engineer (Projects), Irrigation, Kadapa.
The Engineer-in-Chief (Irrigation), Errummanzil, A.P. Hyderabad.

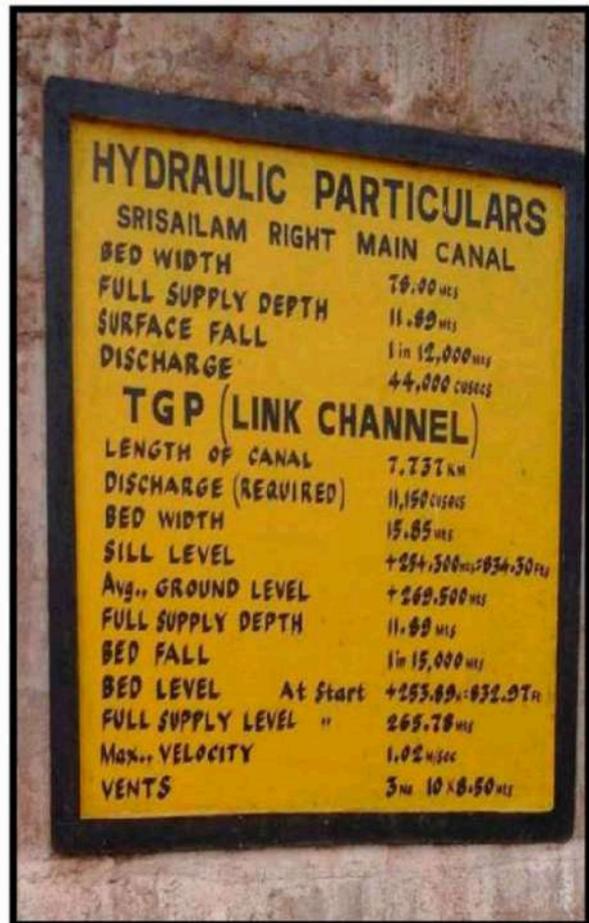
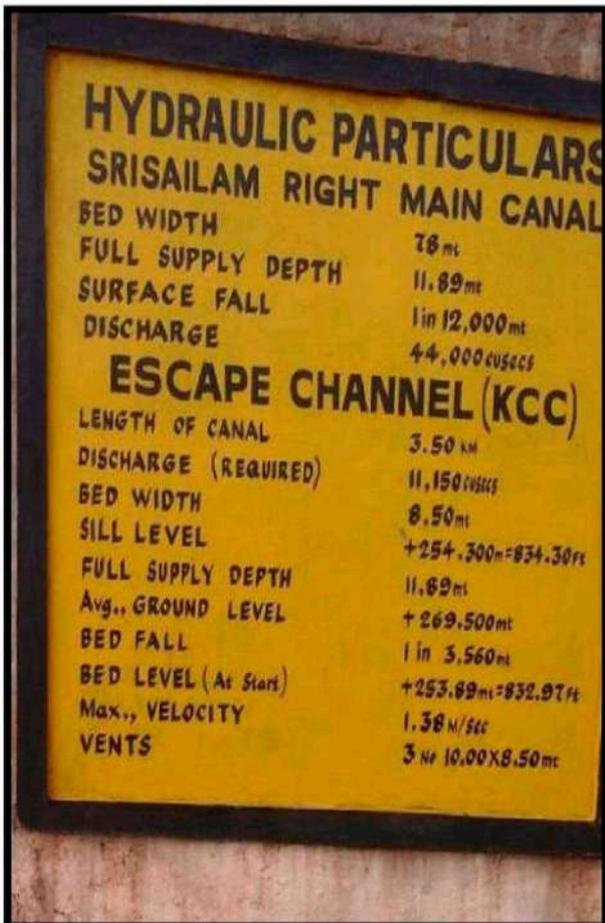
Copy to:

The Director, Godavari Basin, I & CAD Department.
The Commissioner, Krishna Basin, I & CAD Department.
O/o The Superintending Engineer, Hydrology Projects, Errum Manzil, Hyderabad.
The Director of Works & Accounts, A.P. Hyderabad.
The Joint Director of Accounts, Kadapa.
The District Collector, Kadapa/Chittoor/ Kurnool Districts.
The P.S. Spl. Secretary to C.M.
The P.S. Minister (Major & Medium Irrigation).
The P.S. to Principal Secretary (Works & Projects), Finance Department.
The P.S. to Principal Secretary, I & CAD Department.
The P.S. to Secretary (RRM), I & CAD Department.
The P.S. to Secretary (HSR), I & CAD Department.
S.F. / S.F.

// Forwarded by Order//

SECTION OFFICER

Annexure - 4.6



GNSS PACKAGE NO.25

(CONSTRUCTION OF ADDITIONAL REGULATOR AT BCR COMPLEX FOR SRBC MAIN CANAL

1. Discharge (Required)	: 631.54 cumecs (22,300 cusecs)
2. Discharge (Designed)	: 632.42 cumecs (22,334 cusecs)
3. Upstream FSL	: +266.190m
4. Design Water Level (u/s)	: +265.980m
5. TWL (D/s FSL)	: +265.780m
6. Sill Level	: +254.300m
7. No. of Gates & Size of Vents	: 6 No. 5 & (10.00m x 8.00m)
8. TYPE of Energy Dissipation	: Horizontal stilling basin
9. Level of stilling Basin	: +253.390m
10. TYPE of Gate	: Vertical Gate
11. Breast Wall Bottom Level TO Level	: +262.800m : +268.000m.

HYDRAULIC PARTICULARS SRISAILAM RIGHT MAIN CANAL

BED WIDTH	78.00 mt
FULL SUPPLY DEPTH	11.89 mt
SURFACE FALL	1 in 12,000 mt
DISCHARGE	44,000 cusecs

SRISAILAM RIGHT BRANCH CANAL

BED WIDTH	6.10 mt
SILL LEVEL	254.300 mt = 834.30 Ft
DISCHARGE	4,960 cusecs
FULL SUPPLY DEPTH	6.10 mt / 11.89 mt (Normal) (Flood Flow)
SURFACE FALL	1 in 15,000 mt
Avg., GROUND LEVEL	+269.500 mt
BED LEVEL	+253.89 mt = 832.97 Ft
VENTS	3 No 10 X 8.50 mt

GOVERNMENT OF TELANGANA
IRRIGATION & CAD DEPARTMENT

Letter No.8121/ISWR/2019/

Dt : 12-05-2020

From,

Dr.Rajat Kumar, I.A.S.
Principal Secretary,
Irrigation & CAD Department,
Government of Telangana,
6th Floor, BRKR Bhavan, Telangana Secretariat,
Hyderabad-500022.

To,

The Chairman,
Krishna River Management Board,
5th Floor, Jalasoudha Building,
ErrumManzil,
Hyderabad,500082.

Sir,

Sub: ISWR - I&CAD Dept. Telangana - Taking up new pumping scheme to draw additional 3 TMC water from Srisaillam Reservoir by Govt. of Andhra Pradesh in violation of A.P. Reorganization Act 2014 - Objections on G.O.Rt.No203 - Request for immediate action - Reg.

Ref: 1) E-in-C (Irr) Letter to the KRMB Lr No. ENC(I)/DCEIV/OT5/AEE18/KRMB DPR/2019, Dt 29-01-2020
2) KRMB Lr to the Spl CS, WRD, Govt of AP LrNo:FNo.2/04/2018/KRMB/392-394, Dt 05-02-2020.
3) Govt. of Anhdra Pradesh Water Resources (Projects.III) Dept. G.O.RT.No. 203, Dated: 05-05-2020.

Kind attention is invited to the reference 1st cited wherein, the Engineer-in-Chief (irrigation), Telangana on the basis of proceedings in the Andhra Pradesh Assembly and Newspaper reports, brought to the notice of the Krishna River Management Board (KRMB) that the Govt. of AP is proposing to take up certain new projects without duly following the statutory mandates of AP Reorganization Act, 2014 and requested to advise the State of Andhra Pradesh not to take up new projects without appraisal and recommendation of KRMB and approval of the Apex Council. The request made therein being in terms of legal obligations of the state of Andhra Pradesh, KRMB by reference 2nd cited was pleased to advise the Govt. of Andhra Pradesh to furnish the details of the project reports of the proposed projects to the KRMB. Till date the Govt. of Andhra Pradesh has chosen not to respond to the request made by KRMB. In the meanwhile the Water Resources Dept. of Govt. of Andhra Pradesh have further proceeded with the proposed new projects and the same has culminated in the Govt. of Andhra Pradesh issuing G.O.RT.No. 203 Dt.05.05.2020 (reference 3rd cited). A copy of the G.O. is enclosed for kind reference.

In the G.O. administrative sanction was accorded to various components costing Rs. 6829.15 crores. These components include a new project for the installation of a pumping system in Srisaïlam Reservoir to draw 3 TMC per day located near Sangameshwaram to let into Srisaïlam Right Main Canal (SRMC) at Km 4.00 from Pothireddypadu Head Regulator. To utilize this new and additional water drawing system, the Govt. of Andhra Pradesh also proposes to enhance the conveying capacity of various canals in the Pennar basin.

With the proposed new projects the Govt. of Andhra Pradesh intends to enhance the total drawal capacity up to 8 TMC per day. This project besides being totally in contravention of the provisions of AP Reorganisation Act, also adversely impacts the interests of the inhabitants of the State of Telangana. Srisaïlam Reservoir being a common project, State of Andhra Pradesh cannot plan or initiate any additional diversion of water without informing or consulting the State of Telangana. It is not expected of a responsible state in the federation of India to conduct its affairs in this manner. The State of Telangana is dependent on the water from Srisaïlam Reservoir for drinking water needs of Hyderabad city, Mission Bhagiratha schemes in old Mahabubnagar, Nalgonda and Rangareddy Districts, besides substantial irrigation requirement in Nagarjunasagar Left Bank Canal, AMRSLBC project, Kalwakurthy Lift Irrigation Scheme, Palamuru-Rangareddy LIS, Dindi LIS and power generation under Srisaïlam Left Bank power house. There cannot be any justification by Govt. of Andhra Pradesh for the proposed project serving outside the basin and shall adversely impact the water availability and endanger the in-basin projects of the State of Telangana. At present taking undue advantage of the absence of a telemetry system at PRP Head Regulator, Andhra Pradesh is indiscriminately diverting water outside the basin without any proper accounting. The telemetry system has not established in spite of a clear decision of the Central Govt. in the year 2016 and repeated requests in subsequent KRMB meetings.

It is also relevant to state that the Govt. of Andhra Pradesh has consistently been resorting to clandestine diversion of water outside the basin through Pothireddypadu Head Regulator (PRP HR) by suppressing the same even before Krishna Water Disputes Tribunal-II (KWDT-II). The Govt. of Andhra Pradesh was permitted to create a conveyance system of 11,150 cusecs interms of an inter-state agreement which was seriously contested by other riparian States before KWDT-II. In the course of such contest the State of Andhra Pradesh also suppressed its illegal acts of enhancing the diversion capacity of PRP Head Regulator to 44,000 cusecs and creation of a power channel to divert an additional 5000 cusecs. These clandestine and illegal activities are now placed on record after its formation, by the State of Telangana in the proceedings before KWDT-II under Section-89 of the AP Re-organization Act and also before the Hon'ble Supreme Court in our Special Leave Petitions (SLPs). KWDT-I in the process of allocating water to Srisaïlam project specifically declined any diversion from Srisaïlam reservoir to a different watershed. While the legitimacy and appropriateness of enhancing the capacity of PRP Head Regulator is subjudice, it is unfortunate that the State of Andhra Pradesh now proposes to further increase the diversion capacity abnormally to the extent of 8 TMC per day, to serve outside basin areas.

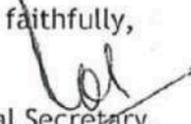
In fact, applying any of the basin parameters to the equitable apportionment principles of allocation of water, the present utilisation ratio is bound to be reversed in favour of Telangana resulting in an allocation of more than 575 TMC out of 811 TMC. With this adjudication being a possible reality in the near future, it is highly unjust and inappropriate to permit the State of Andhra Pradesh to take up the new lift scheme in Srisaillam reservoir. Projects of such nature serving outside the basin, would not be recommended by KRMB in the process of exercise of its statutory power under Section 85 (8) (d) r/w clause 7 of the Eleventh Schedule of the AP Re-organization Act, 2014. Furthermore, in spite of a specific request by KRMB to furnish the details of the proposed projects for enquiry, the State of Andhra Pradesh in scant regard to the same has proceeded to issue administrative approval vide G.O.203.

The decision of Govt. of Andhra Pradesh to accord administrative sanction for the proposed projects is illegal and in contravention of Section-84 of the AP Re-organization Act since any such projects can be initiated or taken up only with the prior approval of the Apex Council.

Therefore, it is requested to initiate necessary action to prevent the Govt. of Andhra Pradesh from taking up any further action, including calling and awarding Tenders interms of the decision in G.O. RT 203 dt. 05.05.2020, for the proposed Rayalaseema Lift Scheme and the enhancement of the diversion capacity of PRP Head Regulator to 80,000 cusecs.

Encl:- as above

Yours faithfully,


Principal Secretary,
Government of Telangana.

✓ Copy submitted to Secretary, DoWR, Ministry of Jalashakti with a request to initiate necessary action to prevent Govt. of Andhra Pradesh from taking up any further action for the proposed Rayalaseema Pumping scheme including calling and awarding Tenders interms of the decision in G.O. RT 203 dt. 05.05.2020.

**GOVERNMENT OF TELANGANA
IRRIGATION & CAD DEPARTMENT**

From
Sri G. Anil Kumar, M.Tech.,
Engineer-in-Chief (Gen) (FAC)
Irrigation & CAD Dept.,
2nd Floor, Jalasoudha Building,
Errummanzil,
Hyderabad-500082.

✓ To
The Chairman,
Krishna River Management
Board,
5th Floor, Jalasoudha Building,
Errummanzil,
Hyderabad-500082.

Lr.No.ENC(G)/ISWR/SE/DD(K)/APProjects/Vol.VIII/ Dt. 31.07.2024

Sir,

Sub:- I&CAD Dept. – ISWR – KRMB – Unauthorised construction of Rayalaseema LIS – Request to urgently conduct site inspection of the Rayalaseema LIS – Reg.

Ref:- 1. ENC(General), I&CAD Dept., GoTS addressed letter to KRMB vide Lr.No.ENC(G)/ISWR/SE/DD(K)/AP Projects/Vol.VI, Dt.01.09.2023.
2. ENC(General), I&CAD Dept., GoTS addressed letter to KRMB Vide Lr.No.ENC(G)/ISWR/SE/DD(K)/APProjects/Vol.VII Dt.19.12.2023.

With reference to the letter 1st cited, this office has requested KRMB to restrain AP from proceeding with lining works of SRMC from PRP HR which are part of G.O 203, dt.05.05.2020. Unfortunately, KRMB did not restrain Andhra Pradesh from execution of the said work.

Further vide reference 2nd cited, this office has requested KRMB to make a site visit of Rayalaseema LIS for ascertaining the factual position and to stop the illegal construction by the AP Government. But no action is initiated so far by KRMB and Andhra Pradesh is continuing with the construction work in violation of Hon'ble NGT (SZ) orders dated.17.12.2021.

While comparing the photographs produced in the KRMB inspection report dt.13.08.2021 with the photographs enclosed in the reference 2nd cited and to the latest photographs of July, 2024 downloaded from google earth, it is observed that the work is in brisk progress related to the delivery cistern and forebay. It is also clear that the underground pump house works are seemed to be completed up to delivery outlets in the cistern. Therefore, KRMB is requested to conduct the site inspection urgently and stall the progress of work.

Further, Construction of Rayalaseema LIS @ 3 TMC per day from +798 ft level from Srisaillam reservoir is in contravention to the Tribunal Awards and Interstate agreements.

Hence, KRMB is requested to conduct the site visit and submit the factual report along with the latest photographs to MoJS, GoI to take the necessary action immediately, duly intimating to the Government of Telangana and restrain Andhra Pradesh from further construction by violating Hon'ble NGT(SZ) orders.

Encl: Photographs of RLIS
(Annexures - 1 to 5)

Yours faithfully,
Sd/- G.Anil Kumar, dt.31.07.2024,
Engineer-in-Chief (General), FAC.


31/07/2024
for Engineer-in-Chief (General) (FAC)
31/7/24

UNAUTHORIZED CONSTRUCTION OF DELIVERY CISTERN OF RLIS

Annexure-1



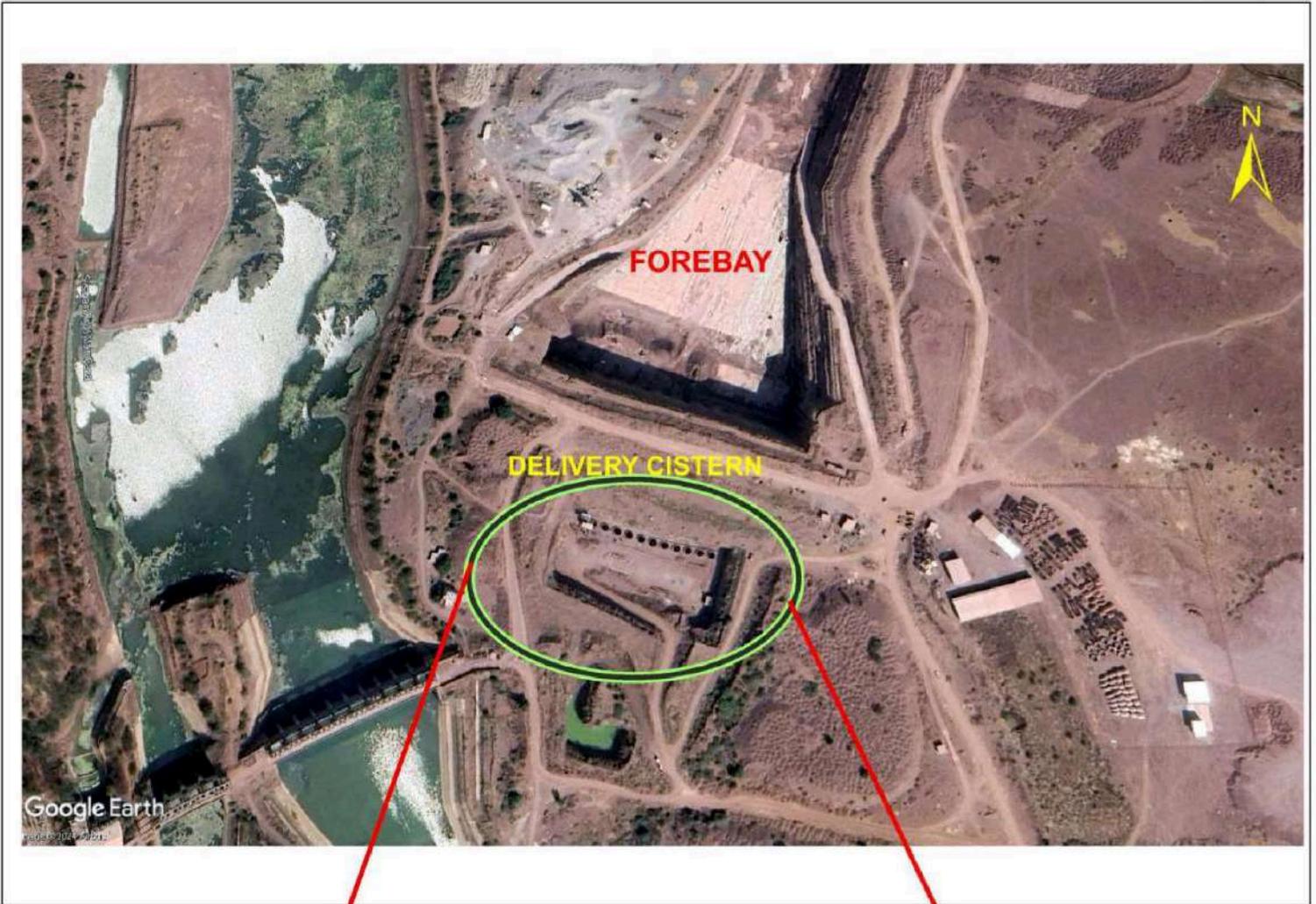
UNAUTHORIZED CONSTRUCTION OF FOREBAY OF RLIS

Annexure-2



GOOGLE PHOTO OF DELIVERY CISTERN OF RLIS, 2024

Annexure-3



GOOGLE PHOTO OF FOREBAY OF RLIS, 2024

Annexure-4



SRSAILAM FORESHORE

No Water Diversions from Srisaillam Reservoir sanctioned

I. TILL YEAR 1976-CWC/PLANNING COMMISSION/KWDT-I AWARD



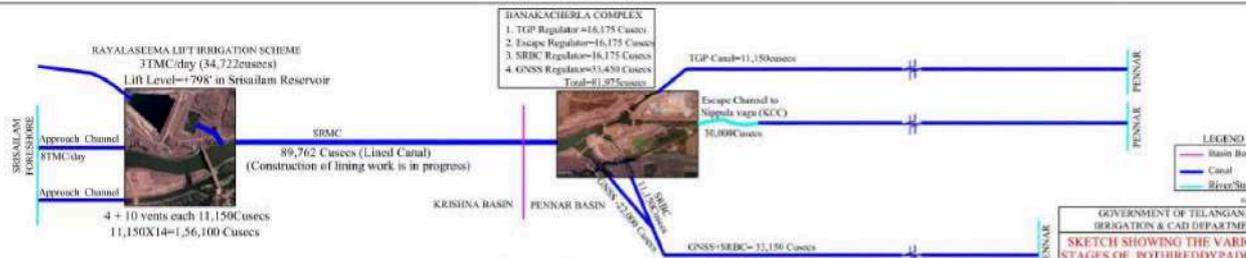
II. AS PER 1976-77 INTERSTATE AGREEMENTS



III. DURING YEAR 1983-1989



IV. YEAR 2005



V. YEAR 2019 (G.O.203)

LEGEND
 Basin Boundary
 Canal
 Escape Stream

GOVERNMENT OF TELANGANA
 IRRIGATION & CAD DEPARTMENT
 SKETCH SHOWING THE VARIOUS STAGES OF POTHREDDYPADU I.R. & BANAKACHERLA C.R. SYSTEM



Lr.No. 6149/ISWR/2018, dated. 05.07.2021

Sir,

Sub: I & CAD Dept., – ISWR – Application of AP for Amendment to Environment Clearances for Construction of Rayalaseema Lift Irrigation Scheme to supplement 3 TMC per day to SRMC on D/s of Pothireddypadu Head Regulator – Works are in brisk progress in violation of NGT order Dt: 29.10.2020 of OA No.71/2020(SZ) – Telangana Requests not to consider Environmental Clearance to RLIS – Regarding.

- Ref: 1) Agenda Item No. 14.2 for 14th EAC (River Valley Projects) Meeting to be held on 07.07.2021.
2) EAC Minutes dated 16th-17th June, 2021 uploaded on 25.06.2021 in <http://environmentclearance.nic.in> website.
3) Hon'ble NGT Order Dt: 29.10.2020 in O.A. No.71 of 2020(SZ)
4) Hon'ble NGT Order Dt: 24.02.2021 of M.A.6 of 2020 in O.A. No.71 of 2020(SZ)
5) Hon'ble NGT Order Dt: 25.06.2021 of M.A. 2 of 2021 of O.A. No.71 of 2020(SZ).

Please refer to the 14th Meeting of Expert Appraisal Committee (EAC) Agenda published on 03.07.2021 which includes discussion on Rayalaseema Lift Irrigation Scheme (RLIS) and Pothireddypadu expansion.

In this connection, the State of Telangana submits that the RLIS is an illegal project which does not have any water allocation or Central Water Commission (CWC) approval. It is to note that in earlier instances, EAC of MoEF & CC has not accorded Environmental Clearance for want of water allocation by CWC. In the case of Telangana itself, in the 19th EAC which was held on 26.10.2018 had deferred the approval of Sita-Rama Lift Irrigation Project (Phase-I) for these reasons.

It is further submitted that the RLIS seeks to augment the expansion of Pothireddypadu Head Regulator which itself is an unauthorized project not approved by CWC. It diverts substantial amounts of Krishna river waters to

outside the Lasin, thereby, adversely impacting the eco-system of the region. Several wild life sanctuaries namely Roliapadu, Gundla Brahmeswaram, Sri Lankamalleshwara, Sri Perusila Narasmha, Sri Rajiv Gandhi National Park and Sri Venkateshwara exist within the 10 km radius of the canals of the project. The alignment passes through not only in the buffer zone, but also the core zones as per the information available on the website of the A.P. Government. A copy of the same is enclosed herewith as Annexure-1. A map showing the alignment of canals and eco-sensitive zones and wild life sanctuaries abutting within 10 km radius is enclosed as Annexure-2.

It may be noted that the Hon'ble NGT (SZ) in its order vide reference 3rd cited directed Andhra Pradesh Government not to proceed with the Rayalaseema Lift Irrigation project without submitting the Detailed Project Report (DPR) before the Krishna River Management Board (KRMB) and getting their appraisal done. The issues related to the project were also highlighted by the Telangana Government during the 2nd Apex Council meeting chaired by the Hon'ble Union Minister for Jal Shakti in October, 2020. Subsequently, the Government of India has directed the Andhra Pradesh State Government to stop work on these projects till the CWC approvals are obtained.

In view of the above, we request the EAC to carefully consider the legal, hydrological and environmental issues mentioned above while considering the above project.

Encl: As stated above.

Yours sincerely,

Sd/-
(Dr. Rajat Kumar)

V. Mohan Kumar
5/7/2021
for Special Chief Secretary

To,
The Member Secretary,
Expert Appraisal Committee (River Valley Projects),
Ministry of Environment, Forest and Climate Change,
Govt. of India,
Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi – 110003.



ANDHRA PRADESH FOREST DEPARTMENT



ANDHRA PRADESH WILDLIFE SNAPSHOT

Citizen (Citizen.html.html)

Wildlife Compensation Guidelines (Wildlife_Compensation_Guidelines.html)

WL Zoo Authority of A P (WL_Zoo_Authority.htm)

National Parks and Sanctuaries

Protected Area Network

Wild-life Conservation

Eco development

National Parks

Sri Venkateswara

Papikonda

Rajiv Gandhi

Santuaries

Coringa

Kolleru

Krishna

Rollapadu

Gundla Brahmeswaram

Sri Lankamalleswara

Nelapattu

Pulicat

Kaudinya

Sri Penisula Narasimhaswamy

Kambalakonda

ROLLAPADU WILDLIFE SANCTUARY

Introduction:

Dry rolling grasslands of Rollapadu lie between the Nallamalai and Yerramalai hill ranges of the Eastern Ghats. RWS owes its genesis to the discovery of the endangered Great Indian Bustard (GIB) in its grasslands in 1982.

The Forest Department took immediate measures to protect the species, including the setting up of safe and livestock free grassland enclosures for the GIB, which benefited other wildlife too.

At Rollapadu, even the local people are encouraged to inform any or sightings of GIB or their eggs. The role of locals in protecting this endangered bird in its grassland home is worth mentioning.

Uniqueness:

The only GIB Sanctuary in Andhra Pradesh.

Indicator Species:

GIB, Bengal florican, Wolf.

Legal Status: 23-04-1988.

Forest Type:

Open grassland interspersed with thorny bushes.

Temperature:

The climate is generally hot and dry with maximum temperatures rising up to 45° C during May and drops down to 18° C in December.

Flora:

About 32 species of grasses like *Aristida funiculata*, *Chrysopogon fulvus*, *Heteropogon contortus*, etc; comprise the major flora of the grassland. Also seen are plants like *Cassia fistula* (Golden shower tree), *Butea monosperma* (Flame of the forest), *Acacia* spp, *Ziziphus mauritiana*, etc. The grassland sports a bare and dry look by the month of May and again turns lush green with grass growing up to 1 meter in height during the rainy season.

Fauna:

The grassland Sanctuary is rich in invertebrate fauna particularly the insects that form a major part of the diet of most of the birds. The reptilian life too is wonderful with about 19 species like large Land monitor lizards, Geckos, Skinks, Saw-scaled viper; etc. So far about 6 species of amphibians have been recorded here. RWS is a home to some of the rarest bird species of the world. There are about 124 bird species like the Lesser florican, Demoiselle crane, Black stork, White stork, Harriers, etc; which share the grassland along with Great Indian Bustard. These plains are also a home to endangered mammals like the Golden jackal, Indian wolf, Black buck, Chinkara; etc.

Design and maintained by A.P. Forest Department IT Wing

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SRI PENUSILA NARASIMHASWAMY WILDLIFE SANCTUARY

Introduction:

Named after the presiding deity Peninsula Narasimha Swamy, placed between the two important hill passes viz; Badvel – Nellore road and Kadapa – Rajampet road is this Sanctuary. The velligonda hill range of lush green luxuriant forests interrupted with hillocks of igneous rocks, is a paradise for the rich and variegated life forms of animals and plants. The scenic beauty of the Sanctuary is breath-taking. The Sanctuary is connected by two water bodies viz; Somasila and Kandaleru.

Uniqueness:

The rich, virgin habitat of the Sanctuary harbours unexplored biodiversity.

Indicator Species: Cycas beddomei, Leopard, Brown flying squirrel.

Legal Status: 15-09-1997.

Forest Type:

Most of the Sanctuary is having hilly terrain with plateaus, ridges, gorges and deep valleys supporting dry deciduous forest, grasses, dry thorny forest, and dry evergreen forest.

Temperature:

Summer - 45° C; Winter up to 9° C

Flora:

One can find here outstandingly magnificent, grooves of massive old trees of *Mangifera indica* (Mango) and *Syzygium cumini* (Neredu) that form a heavy dense canopy in the forest. Mahua, *Pterocarpus marsupium*, *Gloriosa superba*, *Cochlospermum religiosum* (Yellow silk cotton), *Cycas beddomei*, Red sanders, etc; are a few examples of the floral species that the forest nurtures.

Fauna:

The faunal diversity is amazing with a rich bio-network of various species of vertebrates and invertebrates. Invertebrates like insects, spiders, molluscs, etc. that play a vital role in maintaining a balance in the ecosystem, are in abundance. Marbled frog, Burrowing frog, Common toad, etc; are a few of the striking species of amphibians seen here. Reptilian fauna is represented with the graceful Common brown vine snake, Common krait, Starred tortoise, etc. The forest also inhabits a vibrant bird life with both resident as well as migratory birds like the endangered Indian long-billed vulture, the ace fisherman-Pied kingfisher, the monsoon indicator-Pied crested cuckoo, Open billed stork, Black winged stilt, White bellied drongo, etc. Leopard, Wild dog, Wolf, Sloth bear, Chinkara, Black duck, Slender loris, Giant Indian squirrel, Brown flying squirrel, etc; are some of the inhabitant mammalian fauna.

Papikonda

Rajiv Gandhi

Santuaries

Coringa

Kolleru

Krishna

Rollapadu

Gundla Brahmeswaram

Sri Lankamalleswara

Nelapattu

Pulicat

Kaudinya

Sri Penisula Narasimhaswamy

Kambalakonda

GUNDLA BRAHMESWARAM WILDLIFE SANCTUARY

Introduction:

It is located between two important hill passes known as "Mantralamma kanuma" and "Nandi kanuma". The Northern part of this Sanctuary forms a major part of the Southern boundary for Nagarjunasagar-Srisailem Tiger

Reserve.

Uniqueness:

The hilly terrain of the Sanctuary, decked with plateaus, ridges, gorges and deep valleys support a diverse flora and fauna. The springs, sacred groves and the perennial river 'Gundlakamma' that criss-crosses through the Sanctuary add to the beauty of the Sanctuary. It also has many, mesic sites and ancient rock formations.

Indicator Species:

Tiger, Panther, Wild dog, Bats, Fig trees

Legal Status: 18.09.1990

Forest Type:

Dry mixed deciduous forest, moist dry deciduous, semi evergreen, dry deciduous scrub forest and dry savannahs.

Temperature:

46° C in summer and 18° C in winter.

Flora:

The floral diversity of this Sanctuary is incredible, with over 353 species of plants including trees, herbs, shrubs, climbers, grasses. The forest is an adobe to medicinal plants of which 10 are critically endangered, 21 are Endangered and 27 species are vulnerable. The plants like *Madhuca longifolia*, *Dellenia pentagyna*, *Aristolochia indica*, *Terminalia arjuna*, *Pithecolobium ducele*, *Adina cordifolia*, *Vanda* spp; etc; thrive here.

Fauna:

The forest life teems with invertebrate fauna including insects, scorpions, spiders, crabs, and other lower invertebrates. Amphibians like Leith's frog, Indian bull frog, Marbled balloon frog, Common toad, etc; are found here. Marsh crocodile, Cantor's black-headed snake, Russell's viper, Common skink, etc; are a few of the reptilian wonders. Its proximity to NSTR makes the bird diversity is very colourful. Birds like Demoiselle crane, Spot billed duck, Red start, Bar headed goose, Horned owl, Grey Hornbill, Ashy prinia, Paradise flycatcher; etc are to name a few. Tiger, Leopard, Rusty spotted cat, Indian Flying squirrel, threatened Lesser woolly horse-shoe bat (found only in GBM WLS), rare Savi's pygmy shrew; etc represent the mammalian fauna.

Design and maintained by A.P. Forest Department IT Wing

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SRI LANKAMALLESWARA WILDLIFE SANCTUARY

Introduction:

This Sanctuary is the Pride of India. The bird Jerdon's courser, found only in Andhra Pradesh, was first discovered in the year 1848 and last reported in the year 1900. This bird, widely believed to be extinct since then, was rediscovered in the year 1986 in the scrub jungles of Reddipally village of Kadapa district. The Sanctuary forms the catchment for river Pennar. The Telugu ganga canal flows into the eastern flank of the Sanctuary draining into the 'Pennar river'.

Uniqueness:

In the whole world, Sri Lanka Malleswara Sanctuary is the only home and hope for the rare and endangered bird – the Jerdon's courser that was once thought to be extinct, later rediscovered after a span of 100 years in 1986.

Indicator Species:

Jerdon's Double Banded courser, *Carissa caranda* (Kallimi) shrub.

Legal Status: 17-07-1998.

Forest Type:

Southern tropical dry deciduous forest in the hills, scrub forest in the plains, Southern dry mixed deciduous forest, patches of Dry Red sanders bearing forests and *Hardwickia bipinnata* forest, Tropical thorn forests and Tropical dry evergreen forest.

Temperature:

Max 44°C, Min 20°C

Flora:

The rare and endangered plants like Red sanders and Sandalwood are important species found in this area. The riparian vegetation is very rich in floristic value, consisting of *Terminalia* spp, *Syzygium* spp, (Jamun), Wild mangoes, *Anogeissus latifolia*, Phoenix spp, Bamboo, *Hardwickia binata*, etc.

Fauna:

This Courser habitat also has good representation of amphibian species like Common toad, Bull frog, etc. The reptiles like Common Indian skink, Green vine snake, Common Indian Cobra, etc; are associated with this forest. Apart from Double banded or the Jerdon's courser, other birds like Indian tree-pie, Common Indian Night jar, Grey francolin, Grey hornbill, etc; are seen here. Endangered mammals like Panther, Jackal, Chinkara, Chowsingha, Sloth bear, etc; make this Sanctuary their home. This diversity in the amphibian life, reptilian life, avian life and mammalian life supplements the richness of the invertebrate fauna found in the forest.

Indian Tiger Reserve Srisailam Management Fails, According To Tiger Authority NTCA.

[AUGUST 5, 2019 BY ALL CREDITS TO THE ORIGINAL AUTHOR](#) [COMMENTS OFF](#)



Original source, credits text and photograph

India – Times of India

Gaping Holes In Indian Srisailam Tiger Reserve Management, According To Tiger Authority NTCA.

Content

The National Tiger Conservation Authority and Wildlife Institute of India (NTCA) have found fault with the management of Nagarjunasagar Srisilam Tiger Reserve (NSTR) in Andhra Pradesh for not having a unified command. In its 'Management Effectiveness Evaluation of Tiger Reserve in India 2018', the NTCA said that NSTR is facing a severe problem of jurisdiction issues.

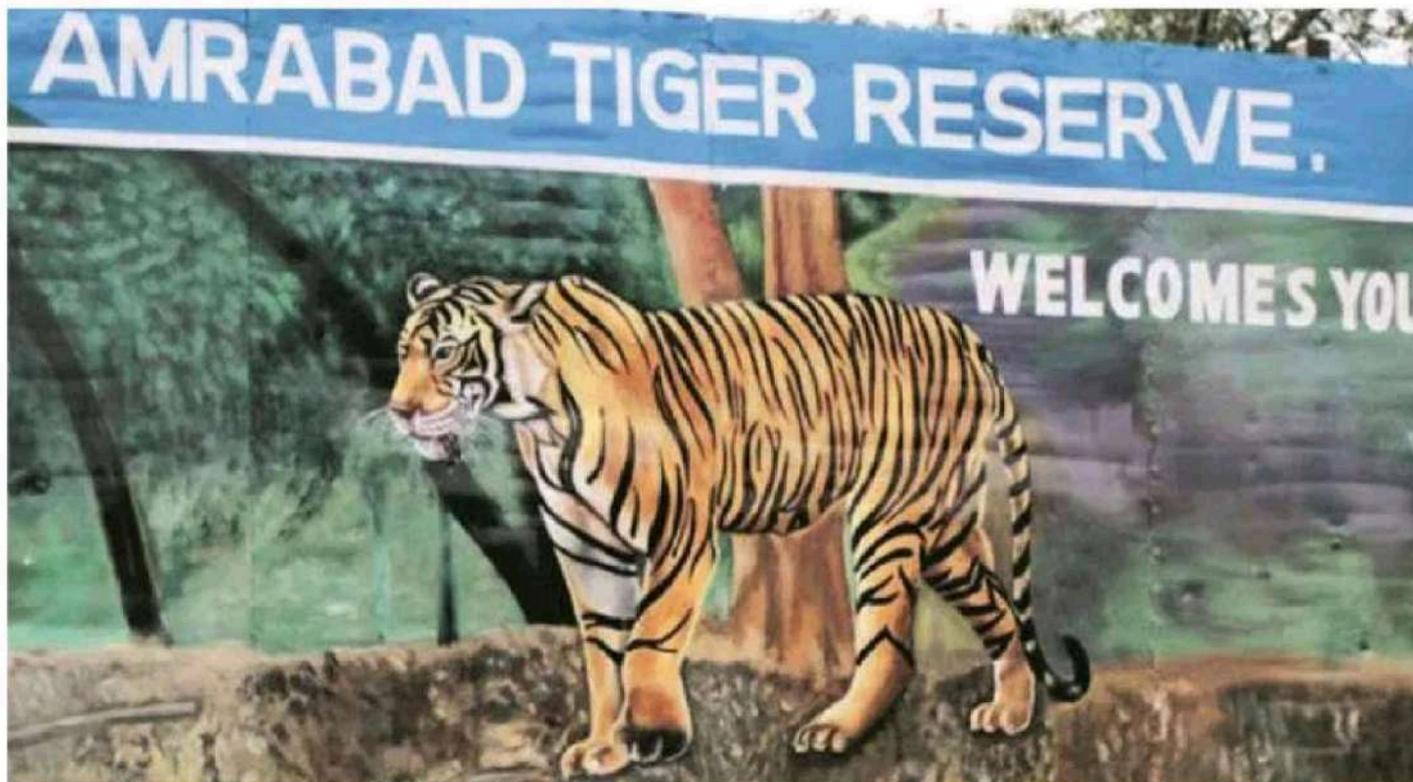
“The entire tiger reserve is not under the unified control of the field director. The core and buffer of Rajiv Gandhi wildlife sanctuary are supposed to be under the unified control of the field director.

Commentary.

Shocking report on the status of an Indian tiger reserve (Nagarjunasagar Srisilam Tiger Reserve (NSTR) in Andhra Pradesh) – where the management is failing in many ways.

Centre Nod To Drilling, Indian Forest Officer Says Won't Let Anyone In.

JULY 8, 2019 BY CHRIS SLAPPENDEL · COMMENTS OFF



India – source: Indian Express

With the Centre granting “in-principle” clearance for uranium exploration in Amrabad Tiger Reserve in Telangana, despite objections by forest officers, Telangana’s Principal Chief Conservator of Forests P K Jha has said they won’t allow anyone inside to drill unless full approval is given by the National Tiger Conservation Authority. “We did not allow it till now though the proposal is two-three years old,” Jha told The Indian Express.

The Atomic Minerals Directorate for Exploration and Research (AMD), Department of Atomic Energy (DAE), had submitted a proposal to carry out survey and drilling of boreholes in four blocks of the reserve, of which three are located inside its core tiger protection area known as Rajiv Gandhi Wildlife Sanctuary. “The aim is to establish uranium deposits in these areas,” the DAE had said.

The Centre gave the clearance at a May 22 meeting, with a Forest Advisory Committee of the Union Ministry of Environment, Forests and Climate Change noting that, “... considering the fact that the proposal is of critical importance from national perspective, it is recommended for in-principle approval, subject to submission of all required document/information in due format. After receipt of the same, the complete proposal may be placed before the Competent Authority for approval.”

The Telangana government is yet to take a stand on the matter.



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NAGARJUNA SAGAR - SRISAILAM TIGER RESERVE



Nagarjunasagar Tiger Reserve			
State	Andhra Pradesh	History	
Altitude (above M.S.L)	100 - 917 m	Before India's independence in 1947, the southern half of this reserve was controlled by the British whereas the northern half was the royal hunting grounds of the rulers of Hyderabad. The area was notified as Nagarjunasagar-Srisailam Sanctuary in 1978 and renamed Rajiv Gandhi Wildlife Sanctuary in 1992. It was declared a Tiger reserve in 1983.	
Area	Total		3568.1 km ²
	Core		1200.0 km ²
	Buffer	2368.1km ²	
Flora and Fauna			
This region receives rain from the south-west and the north-east monsoons, resulting in a long wet season. During this time wildlife is generally confined to the plateaus. During summer water is scarce therefore forcing the animals to move to the valleys. An estimated 39 tigers are found at Nagarjunasagar.		Temperature	
		16°C - 43°C	
		Rainfall (per annum)	
		1000 mm	
Seasons	Winter	Nov - Feb	
	Summer	Mar - Jun	
	Monsoon	Jun -Nov	

		Fauna	
Forest Types		Tiger, leopard, sloth bear, wild dog, jackal, spotted deer, mouse deer, black buck sambar, blue bull, chinkara, chousinga, wild boar, pangolin, mugger, python, cobra, etc.	
Southern Tropical Dry Mixed Deciduous Forests, Hardwickia Forest, Southern Thorn Forests, Southern Euphorbia Scrubs			
Funds	Insufficient & late	Management Objectives	
Staff	Untrained & understaffed	Environmental protection is the main priority. Water and fire management, as well as habitat improvement are important activities	
Problems			
Extremists are active in the reserve. Poaching of animals is rare but timber smuggling is common. Trees are also felled for easier access to <i>Adda</i> leaves, which are used to make leaf plates. 550 local families are dependent on this industry. Grazing is another problem in the reserve.		External Influences (1991 census)	
		Villages	200
		Population	169,000
		Livestock numbers	360,000

WILDLIFE PROTECTION SOCIETY OF INDIA

S-25 Panchsheel Park, New Delhi - 110017, India
Tel. 91-11-4163 5920/21, Fax. 91-11-4163 5924

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Summary ([http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-\(nagarjunasagar--srisaillam-tiger-reserve\)-iba-india](http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-(nagarjunasagar--srisaillam-tiger-reserve)-iba-india))

Text account ([http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-\(nagarjunasagar--srisaillam-tiger-reserve\)-iba-india/text](http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-(nagarjunasagar--srisaillam-tiger-reserve)-iba-india/text))

Data table and detailed info ([http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-\(nagarjunasagar--srisaillam-tiger-reserve\)-iba-india/details](http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-(nagarjunasagar--srisaillam-tiger-reserve)-iba-india/details))

Map ([http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-\(nagarjunasagar--srisaillam-tiger-reserve\)-iba-india/map](http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-(nagarjunasagar--srisaillam-tiger-reserve)-iba-india/map))

Reference and further resources ([http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-\(nagarjunasagar--srisaillam-tiger-reserve\)-iba-india/refs](http://datazone.birdlife.org/site/factsheet/rajiv-ghandi-wildlife-sanctuary-(nagarjunasagar--srisaillam-tiger-reserve)-iba-india/refs))

Select View ▾

Current view: Data table and detailed info

IBA Criteria

Year of most recent IBA criteria assessment: 2004

Populations of IBA trigger species

Species	Current IUCN Red List Category	Season	Year(s) of estimate	Population estimate	IBA Criteria Triggered
White-rumped Vulture <i>Gyps bengalensis</i> (http://datazone.birdlife.org/species/factsheet/22695194)	CR	non-breeding	2004	present	A1
Indian Vulture <i>Gyps indicus</i> (http://datazone.birdlife.org/species/factsheet/22729731)	CR	non-breeding	2004	present	A1
Greater Spotted Eagle <i>Clanga clanga</i> (http://datazone.birdlife.org/species/factsheet/22696027)	VU	winter	2004	present	A1
Yellow-throated Bulbul <i>Pycnonotus xantholaemus</i> (http://datazone.birdlife.org/species/factsheet/22712719)	VU	resident	2004	present	A1

Note: This table presents the IBA criteria triggered and the species that triggered then at the time of assessment, the current IUCN Red List category may vary from that which was in place at that time.

For more information about the IBA assessment process and criteria please click here (<http://datazone.birdlife.org/site/ibacriteria>)

IBA Monitoring

Most recent IBA monitoring assessment			
Year of assessment	Threat score (pressure)	Condition score (state)	Action score (response)
2003	high	not assessed	not assessed
Was the whole site covered?	Yes	State assessed by	unset
Accuracy of information	good		

Threats to the site (pressure)					
Threat Level 1	Threat Level 2	Timing	Scope	Severity	Result
Agricultural expansion and intensification	annual & perennial non-timber crops - small-holder farming	happening now	small area/few individuals (<10%)	moderate to rapid deterioration	low
Agricultural expansion and intensification	livestock farming and ranching (includes forest grazing) - nomadic grazing	happening now	some of area/population (10-49%)	slow but significant deterioration	medium
Biological resource use	hunting & collecting terrestrial animals - intentional use (species being assessed is the target)	happening now	small area/few individuals (<10%)	very rapid to severe deterioration	low
Biological resource use	logging & wood harvesting - unintentional effects: large scale	happening now	small area/few individuals (<10%)	slow but significant deterioration	low
Energy production and mining	mining and quarrying	likely in short term (within 4 years)	small area/few individuals (<10%)	very rapid to severe deterioration	low
Human intrusions and disturbance	work and other activities	happening now	small area/few individuals (<10%)	slow but significant deterioration	low
Natural system modifications	dams & water management/use - abstraction of surface water (agricultural use)	happening now	small area/few individuals (<10%)	moderate to rapid deterioration	low
Natural system modifications	dams & water management/use - abstraction of surface water (commercial use)	happening now	small area/few individuals (<10%)	moderate to rapid deterioration	low
Natural system modifications	dams & water management/use - abstraction of surface water (domestic use)	likely in long term (beyond 4 years)	small area/few individuals (<10%)	slow but significant deterioration	low
Natural system modifications	fire & fire suppression - increase in fire frequency/intensity	happening now	some of area/population (10-49%)	moderate to rapid deterioration	high
Residential and commercial development	housing and urban areas	happening now	small area/few individuals (<10%)	moderate to rapid deterioration	low

Transportation and service corridors	roads and railroads	happening now	small area/few individuals (<10%)	slow but significant deterioration	low
Transportation and service corridors	utility & service lines	happening now	small area/few individuals (<10%)	slow but significant deterioration	low

Conservation actions taken at site (response)			
Conservation Designation	Management Planning	Conservation Action	Result
Not assessed	Not assessed	Not assessed	not assessed

For more information about IBA monitoring please click here (<http://datazone.birdlife.org/site/ibamonitring>)

IBA Protection

Protection status:

Protected Area	Designation	Area (ha)	Relationship with IBA	Overlap with IBA (ha)
Rajiv Gandhi (Nagarjunasagar-Srisailem) (http://www.protectedplanet.net/sites/1777)	Sanctuary	356,809	is identical to site	356,809

Habitats

IUCN Habitat (http://www.iucnredlist.org/technical-documents/classification-schemes/habitats-classification-scheme-ver3)	Habitat detail	Extent (% of site)
Forest		-
Rocky areas (eg. inland cliffs, mountain peaks)		-
Shrubland		-

For further information about the habitat classification please click here (<http://www.iucnredlist.org/technical-documents/classification-schemes/habitats-classification-scheme-ver3>).

Land use

Land-use	Extent (% of site)
forestry	-
nature conservation and research	-
water management	-

For further information about the land use classification please click here.

Recommended citation

BirdLife International (2021) Important Bird Areas factsheet: Rajiv Gandhi Wildlife Sanctuary (Nagarjunasagar - Srisailem Tiger Reserve). Downloaded from <http://www.birdlife.org> (<http://www.birdlife.org>) on 03/07/2021.

Rollapadu Wildlife Sanctuary

Rollapadu Wildlife Sanctuary is a wildlife sanctuary in the Kurnool district of Andhra Pradesh, India. Known primarily as a habitat of the great Indian bustard, the species has suffered a drastic fall in its numbers in the sanctuary in recent years.^[1]

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Blackbucks sparring at Rollapadu Wildlife Sanctuary

Location

The sanctuary, in the Kurnool district of Andhra Pradesh, is close to the state's border with Karnataka and is 45 km from the district headquarters of Kurnool. Covering an area of 6.14 km², it was established in 1988 to protect the great Indian bustard and the lesser florican and remains the only habitat in Andhra Pradesh for the bustard which is a critically endangered species.^{[2][3]} The sanctuary is mostly an undulating plain with hot, dry climatic conditions and erratic and uneven rainfall. It has an average elevation of 290 metres and receives about 450 mm of rainfall annually.^[4]

Flora

Rollapadu is primarily a grassland ecosystem with mixed forests and thorny bushes. Cotton, tobacco and sunflower are cultivated in the agricultural lands that border the sanctuary.^{[3][5]}

Fauna

Rollapadu sanctuary is home to a varied set of faunal and avifaunal species. Foxes, jackals, bonnet macaques, jungle cats, sloth bears and black bucks have been reported at the sanctuary as also the Russell's viper and Indian cobra. It also houses 132 bird species with the Alganur reservoir near the sanctuary frequented annually by migratory species. Some of the bird species spotted at Rollapadu besides the bustard and the florican include Indian rollers, several myna species, short-toed snake eagles and winter migrant waterfowl such as barheaded geese, demoiselle cranes and greater flamingos.^{[3][5][6]}

An increase in the blackbuck population at the sanctuary has been postulated as one of the reasons for the fall in numbers of the bustard and the florican there. Their feeding on the grasses has in turn led to a fall in the numbers of grasshoppers and locusts that constitute an important source of food for the two bird species besides also reducing the nesting area available to these ground nesting birds.^[7]

Threats

Established as an ideal site for the protection of the bustard in the 1980s, conservation efforts at Rollapadu have suffered severe setbacks in recent years with the bustard population falling in recent years. The sanctuary houses nearly 800 blackbucks which often raid the farmlands beyond the sanctuary's borders and this has led to public anger against the sanctuary. Grazing of cattle within the sanctuary's precincts has also affected the breeding of the bustards.^{[4][8]} Changes in the ecosystem due to the linking of the Alganur tank with the Telugu Ganga Canal and the consequent rise in ground water levels in this semi-arid region have led to changes in flora as well as in the nature of agriculture practiced around the sanctuary's periphery. Harriers have been found dead presumably due to the effect of biomagnification. Foxes, the lesser florican and short-toed larks have not been spotted at the sanctuary in recent years.^[7]



Indian coursers are found around the Rollapadu WLS during the monsoon seasons.

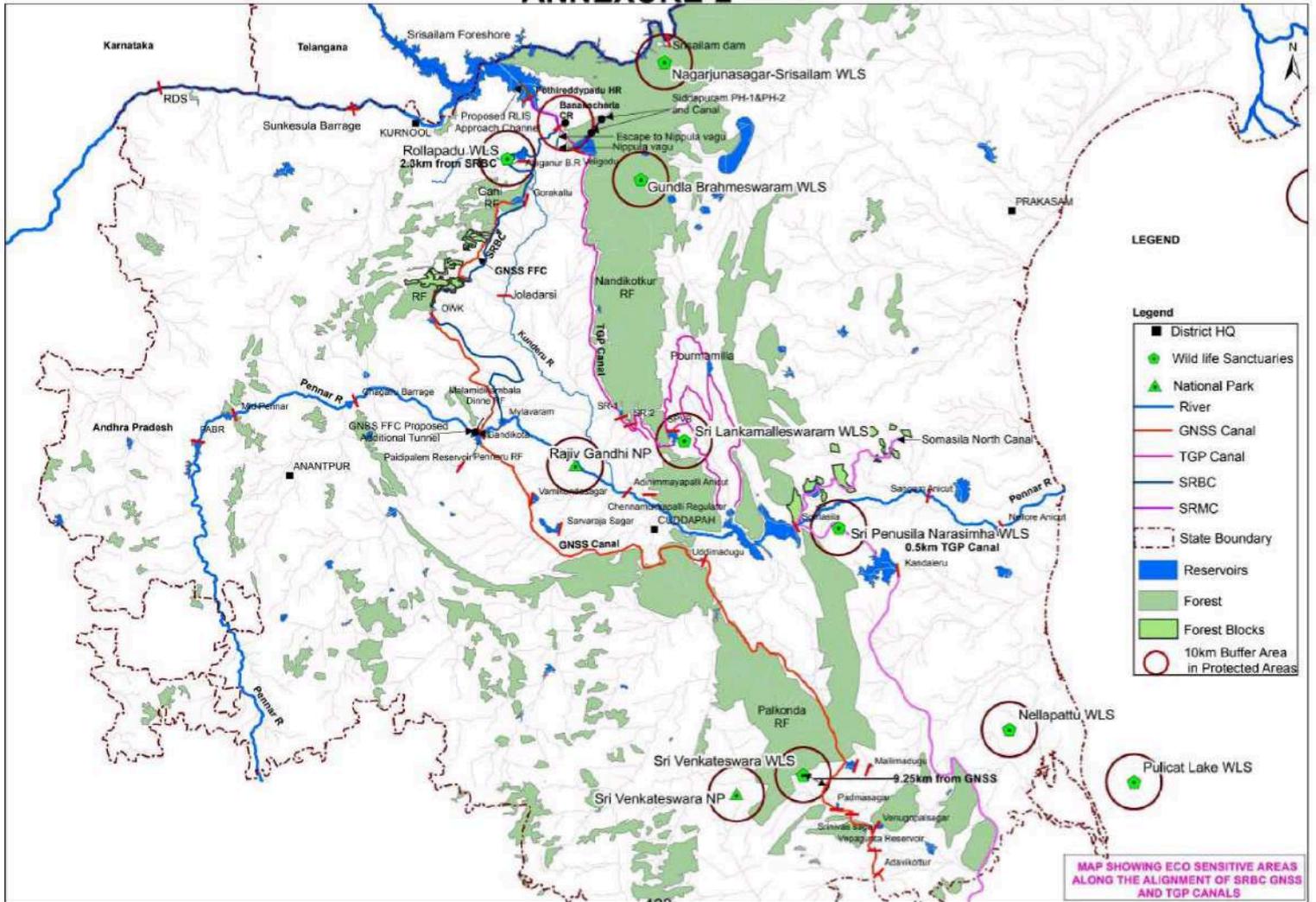
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6. "Birding in Rollapadu Wildlife Sanctuary, Andhra Pradesh" (<http://www.indianwildlifeclub.com/UserContent/Trip-Report-Details.aspx?rid=600>). Indian Wildlife Club. Retrieved 5 June 2013.
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External links

Retrieved from "https://en.wikipedia.org/w/index.php?title=Rollapadu_Wildlife_Sanctuary&oldid=918883244"

ANNEXURE-2



**GOVERNMENT OF TELANGANA
IRRIGATION & CAD DEPARTMENT**

ANNEXURE - 9

From
Sri G.Anil Kumar, M.Tech.,
Engineer-in-Chief (General),
Irrigation & CAD Dept.,
2nd Floor, Jalasoudha Building,
Errummanzil,
Hyderabad-500082.

To
The Chairman,
Krishna River Management
Board,
5th Floor, Jalasoudha Building,
Errummanzil,
Hyderabad-500082.

Lr.No.ENC(G)/ISWR/SE/DD(K)/APPProjects/Vol.IX Dt:10.04.2025

Sir,

Sub:- I&CAD Dept. (ISWR) Dept., - Unauthorised Constructions by Andhra Pradesh - Works related to G.O.Rt.No.203 Dt: 05.05.2020- Pothireddypadu Head Regulator (PRP HR), RLIS, SRMC and Banakacherla Regulators and numerous works and expansions based on these works - Request to restrain AP from the construction of lining works of SRMC downstream of PRP HR and all other related works - Reg.

- Ref:-**
- 1.Govt of AP G.O.Rt.No. 203, Dt: 05.05.2020.
 - 2.Govt of Telangana letter addressed to KRMB vide Lr.No. 8121/ ISWR/2021, Dt. 12.05.2020.
 - 3.Hon'ble Chief Minister of Telangana letter addressed to MoJS vide D.O Lr. No. CMO/I&CAD, Dt.02.10.2020.
 - 4.Minutes of 2nd Apex Council meeting dt.06.10.2020.
 - 5.This office letter addressed to KRMB vide Lr No.ENC(G)/ ISWR/SE/DD(K)/DEE1/KRMB/APP/Vol-V, Dt:22.10.2022.
 - 6.This office letter addressed to KRMB vide Lr No. ENC(G)/ISWR/SE/DD(K)/KRMB/APP/Vol-VI, Dt:23.06.2023.
 7. This office letter addressed to KRMB vide Lr No. ENC(G)/ISWR/SE/DD(K)/KRMB/APP/Vol-VI, Dt:01.09.2023
 - 8.This office letter addressed to KRMB vide Lr No. ENC(G)/ ISWR/SE/DD(K)/KRMB/APP/Vol-VIII, Dt:31.07.2024.

It is to inform that with reference to the letters 7th & 8th cited, KRMB was requested to restrain AP from proceeding with lining works of SRMC downstream of PRP HR which are part of G.O.Rt.No.203, dt.05.05.2020. Unfortunately, KRMB did not restrain Andhra Pradesh from execution of the said work.

It is to bring to your notice that, KWDT-I Award (1973) clarified that for allocation of water to the projects taken up after September,

1960 (i.e., "future projects") priority should be given to inside basin projects and based on that conclusion, the KWDT-I made allocations of water to inside basin projects only while making allocations to future projects.

Further, it was also clearly stated in the KWDT-I Award that Srisaillam is a hydroelectric project and no outside basin diversions are allowed from the project.

It is to state that the inter-state agreements of 1976/1977 for CWSS (Chennai water supply scheme) allowed an open lined canal of 1500 cusecs capacity from the Srisaillam reservoir.

However, in contravention to the KWDT-I Award, erstwhile Andhra Pradesh submitted outside basin project Srisaillam Right Bank Canal (SRBC) for the approval of CWC. Telangana region was not entitled to present its case before the CWC or the Tribunals. The state of Maharashtra and Karnataka were not interfering with the 811 TMC enbloc allocations of the erstwhile Andhra Pradesh as those states were concerned with only surplus water beyond 2130 TMC (i.e., beyond 811 TMC of erstwhile Andhra Pradesh).

Hence, under the guise of CWSS, the PRP HR and SRMC and Banakacherla Cross Regulators were constructed during 1980's by erstwhile Andhra Pradesh for a huge capacities of 44,600 cusecs (PRP HR), 19,150 (SRMC unlined canal) and 48,525 cusecs (Banakacherla Cross Regulators).

In the year 2005, these were enhanced to 1,56,100 cusecs (PRP HR), 44,000 cusecs (SRMC, unlined) and 81,975 cusecs (Banakacherla Cross Regulators). And in the year 2020, the G.O.Rt.No.203, dated 05.05.2020 was issued by the Andhra Pradesh Government to enhance the capacities further to 1,56,100 cusecs (PRP HR), 89,762 cusecs (SRMC lined) and 81,975 cusecs (Banakacherla Cross Regulators).

Further, huge infrastructure new/expansions based on the expansions related to G.O.Rt.No.203 are also being carried out by the Government of Andhra Pradesh which are several times brought to the notice of KRMB, on which no action is initiated by KRMB so far.

It is learnt that Govt. of Andhra Pradesh has now proceeding with the lining works of Srisaillam Right Main Canal (SRMC) downstream of Pothireddypadu Head regulator and the work is going on at brisk pace. The latest photographs are enclosed herewith depicting the construction of lining works of SRMC.

The latest photographs are enclosed herewith depicting the construction of lining works of SRMC.

It is to state that AP shall not proceed with the lining work of SRMC which enhances the drawl capacity of PRP Head Regulator, without appraisal of KRMB and approval of Apex Council as per APRA, 2014.

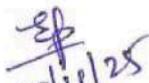
In view of the above, it is requested that the expansion of the discharge capacity of PRP HR system through lining of SRMC shall be restrained immediately otherwise the farmers of Telangana's drought prone riparian areas of Krishna basin will be subjected to distress in perpetuity.

Further, it is requested to furnish a status report on the RLIS and SRMC to the Ministry of Jal Shakti (MoJS) with a copy to the Govt of Telangana by making site visit immediately.

Encl: Copy of the Photographs, Map of PRP HR System &
Extracts of KWDI-I Award

Yours faithfully,
Sd/- G.Anil Kumar, Dt.10.04.2025,
Engineer-in-Chief (General)(FAC).

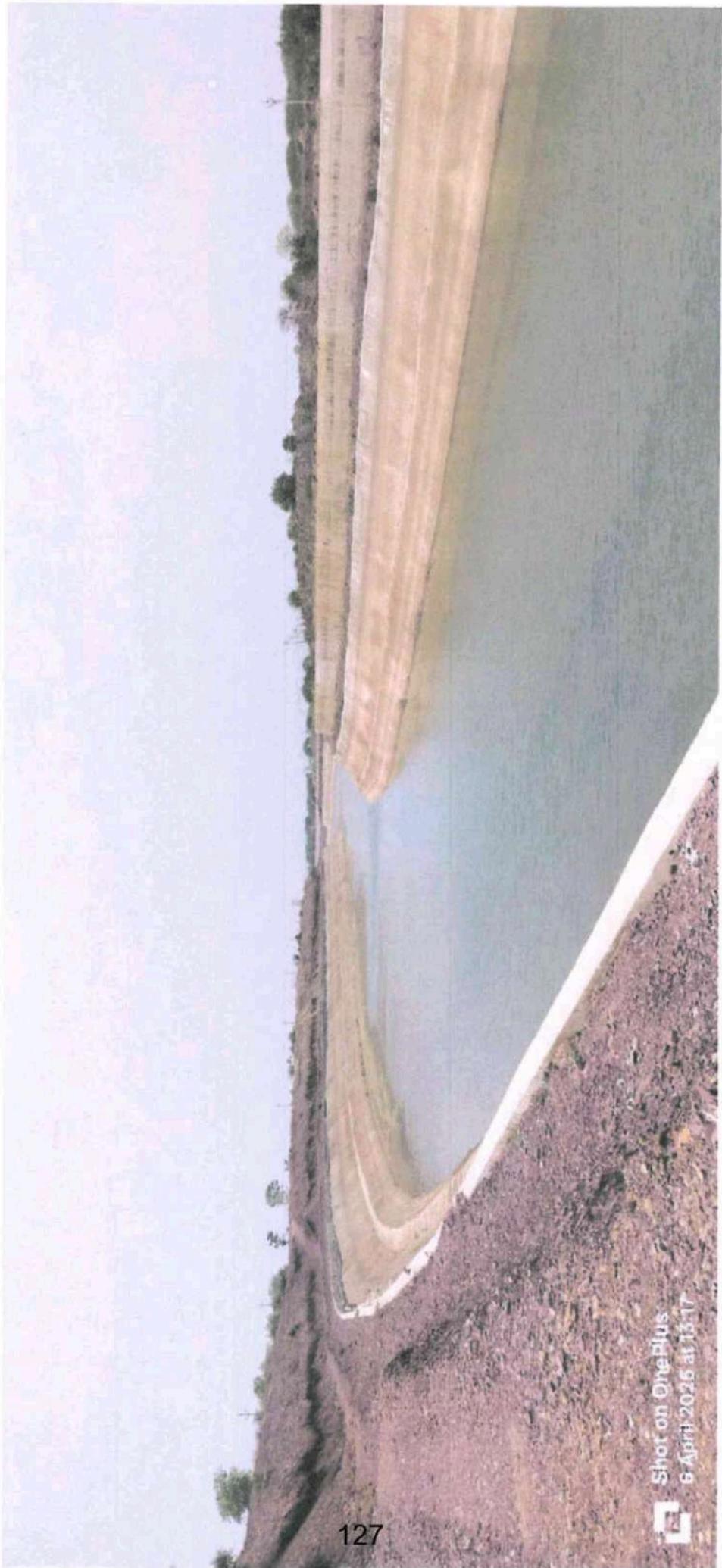

for Engineer-in-Chief (General)

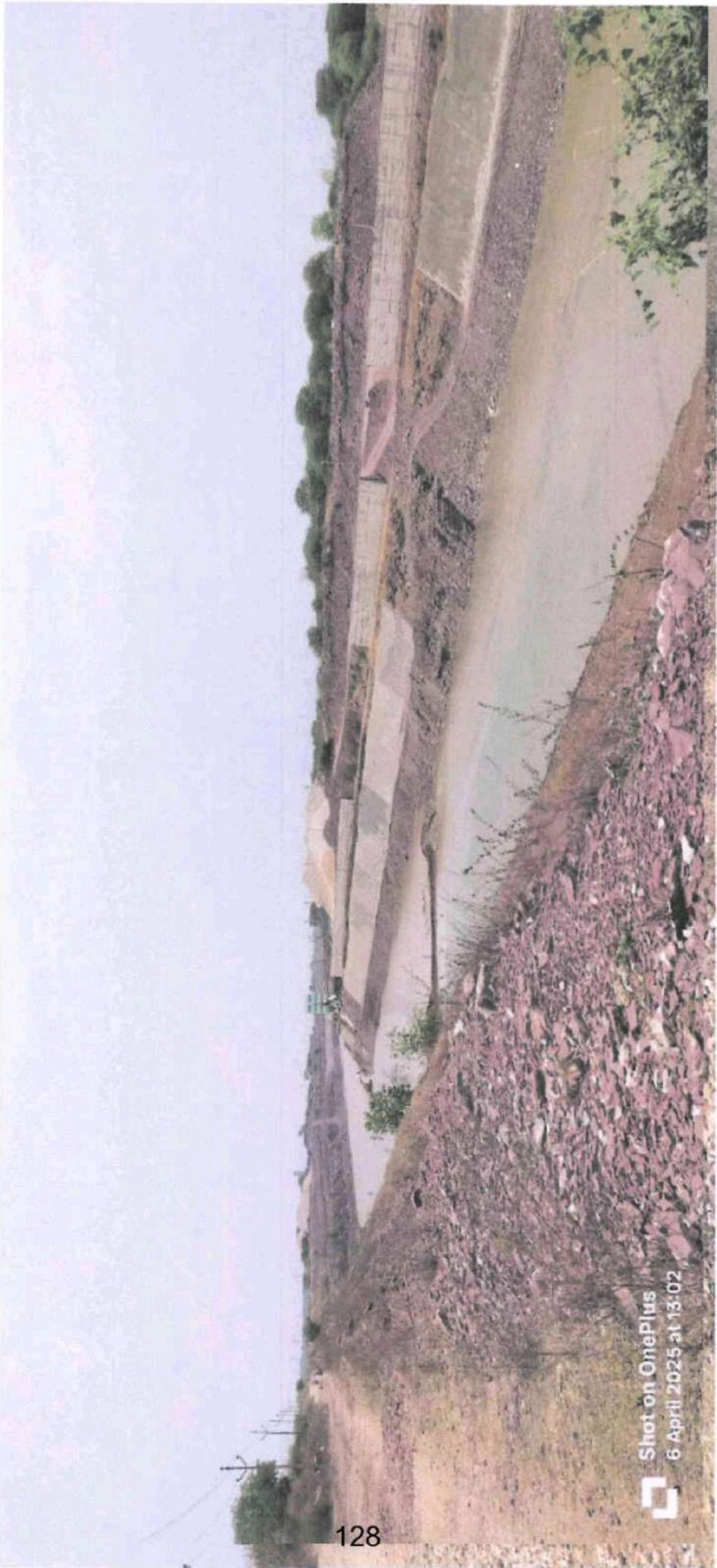

10/4/25

LINING WORK OF SRMC BELOW PPR HR



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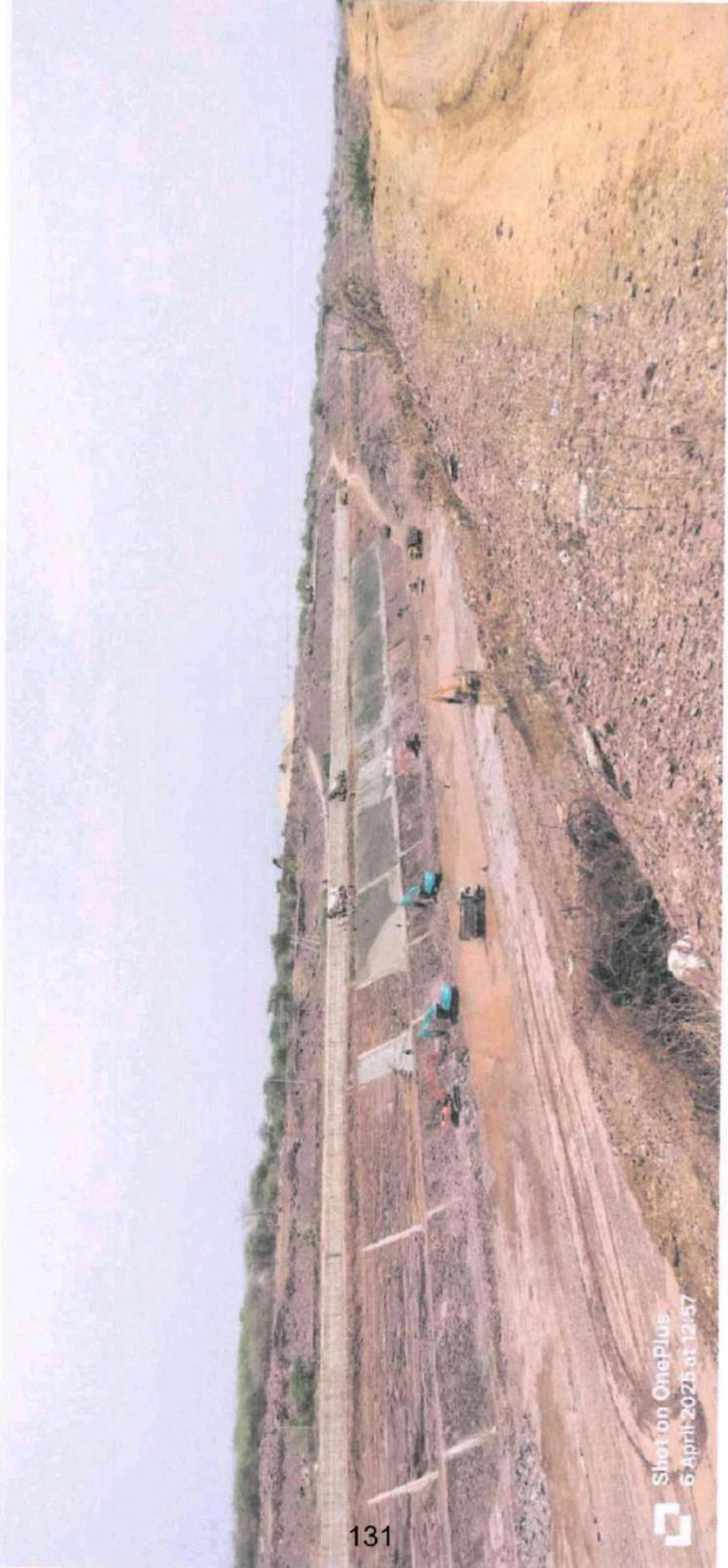


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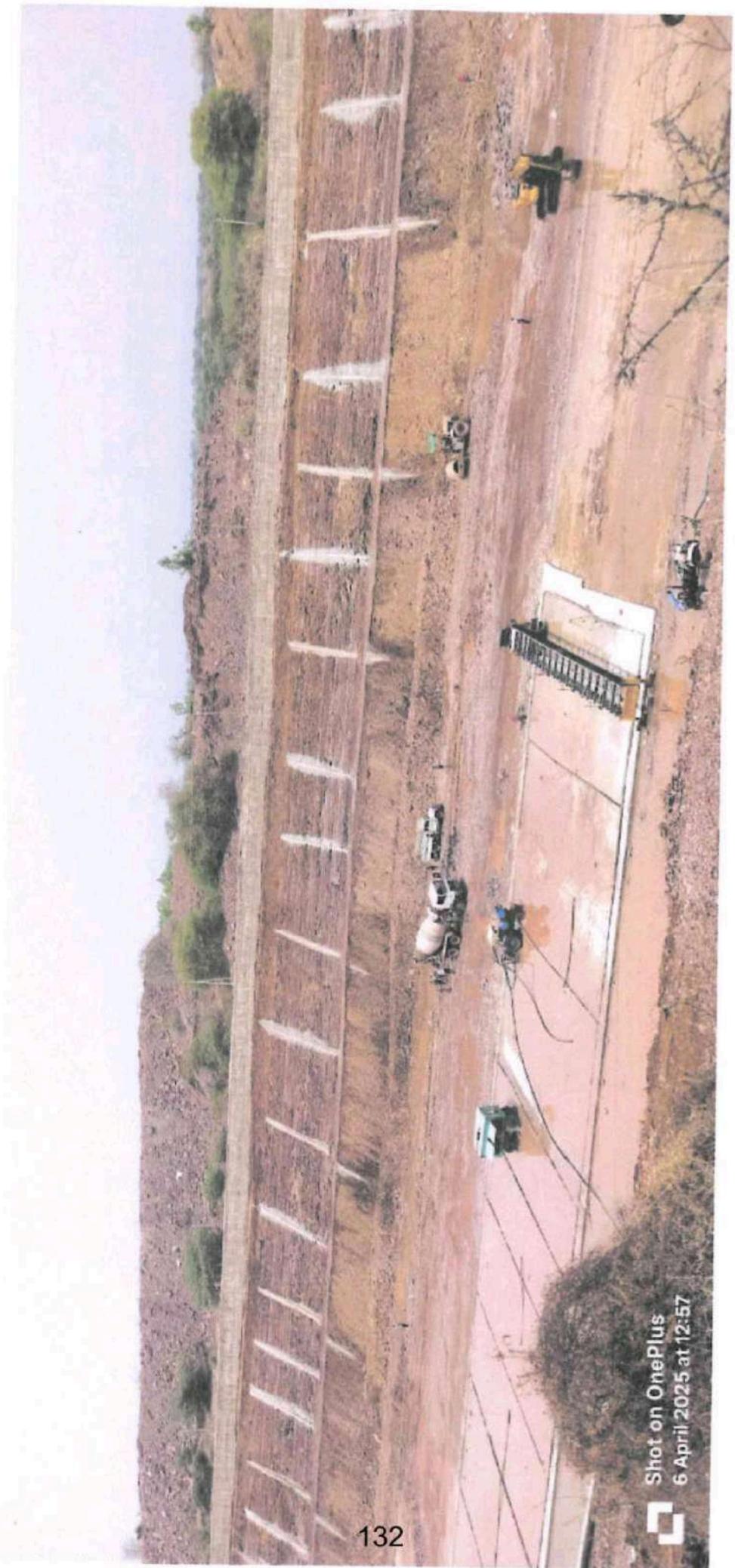




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7



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GOVERNMENT OF INDIA
KRISHNA WATER DISPUTES TRIBUNAL

**THE REPORT
AND
THE FURTHER REPORT
OF
THE KRISHNA WATER DISPUTES TRIBUNAL
WITH THE DECISION**

NEW DELHI
1973 & 1976

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We now proceed to discuss the projects mentioned in the last statement as also minor irrigation in respect of which there is a dispute as to the extent of protection.

(1) *Krishna Project*.—The Krishna Project is an irrigation project with storages at Dhom and Borkhal on the Krishna river and at Kanher on the Venna river, and canals for irrigation in Satara and Sangli Districts of Maharashtra. The command area of the project falls within the rain shadow region of the Bombay Deccan. The project is under construction.

On the 25th June, 1973, all the parties made the following statement :—

"All parties are agreed that the annual utilisation of 33.00 T.M.C. and the evaporation loss of 3.3 T.M.C. under the Krishna Project of Maharashtra should be protected."

In allocating the waters of the river Krishna, the annual utilisation of 33.00 T.M.C. and evaporation loss of 3.3 T.M.C. under the Krishna Project of Maharashtra should be preferred to contemplated uses.

(2) *Gokak Canal*.—Mysore claims an allowance of 1.4 T.M.C. of water for the Gokak canal. Andhra Pradesh disputes the claim. (16)

337 The Gokak canal is in operation for over 84 years. (17) Originally, the canal took off from the Dhupdal Weir on the Ghataprabha and there was an average annual diversion of 1.4 T.M.C. of water for its ayacut. The Kokak canal now takes off from the Ghataprabha Left Bank Canal.

According to Mysore, the index map of the Hidkal Dam Project Stage I Report (18) shows that the area under the Gokak canal is not included in the command of the Ghataprabha Left Bank Canal. But the Krishna Godavari Commission stated (19) that ayacut under the Gokak canal was merged with the Ghataprabha Left Bank Canal in 1951.

In August 1959, the Chief Engineer, P. W. D. Irrigation Project, Mysore stated : "The irrigable area under the Gokak Canal taken from the Dhupdal Weir is included in the irrigable area of the Left Bank Canal of the Ghataprabha Project first stage 0 to 44 miles and the water requirements for the Ghataprabha Left Bank Canal have been calculated taking this area under the Gokak Canal and also the discharges available in the Dhupdal Weir throughout the year. (20)

The annual utilisation of 34.8 T.M.C. under Ghataprabha Project Stages I and II has been protected. 338 No separate provision for the Gokak Canal is necessary as its water requirement will be met from the water provided for the Ghataprabha Left Bank Canal.

The list of sanctioned projects prepared by the Govt. of India in June 1967 (21) stated that the sanctioned diversion under the Kokak Canal was 1.4 T.M.C. and mentioned the diversion under the Ghataprabha Project separately. This statement overlooks the fact that the ayacut under the Gokak Canal is now merged in the Ghataprabha Left Bank Canal and that no separate provision for the Gokak Canal is necessary.

(3) *Srisailem Hydro-electric Project* :—

Dispute.—Andhra Pradesh claims protection for the annual evaporation loss of 33 T.M.C. of water under the Srisailem Hydro-electric Project. Maharashtra and Mysore contend that the project is not entitled to any protection.

Project.—The Srisailem Hydro-electric Project comprises a high dam across the Krishna river and a power house at the toe of the dam. The Power house will have 4 generating units of 110 MW each with a provision for adding 3 such units at a later stage. On the basis of the ultimate release of 180 T.M.C. of water annually, the power potential at Srisailem will be of the order of 134 MW at 100 per cent load factor or 224 MW at 60 per cent load factor. The Srisailem Project being a hydro-electric project for generating power without diverting water to another watershed does not involve consumptive use of water except for evaporation loss. (22) The area of the

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(16) MRDK VIII p. 64.

(17) MYPK X p. 3 (constructed in 1883), KGCR Ann. VIII p. 107 (in operation from 1889).

(18) MYPK XII, Index Map.

(19) KGCR Ann. VIII pp. 107, 112, 133.

(20) MYDK XII pp. 94, 96.

(21) MYDK I p. 216; MRDK II p. 119.

(22) MYDK II p. 350.

The preponderance of opinion seems to indicate that diversion of water to another watershed may be permitted, but normally, in the absence of any agreement, the prudent course may be to limit the diversion to the surplus waters left after liberally allowing for the pressing needs of basin areas. In general, basin areas are more dependent on the water than other areas. Maximum economic benefit can rarely be achieved by ignoring the pressing needs of the areas of origin and permitting development elsewhere.

However, where water has already been allowed to be transferred and used in another watershed, the settled economy of the region should not be lightly disturbed. Normally, existing works based on such a transfer should receive the same protection that may be given to existing works based on diversions inside the basin. If a populous city outside a river basin receives its water supply from the river, it is unjust and unrealistic to hold that the water should be restored to the basin and the city deprived of its drinking water.

407 For a long period of time, large quantities of water have been diverted outside the Krishna basin and used for beneficial purposes. Admittedly, however, the available supplies of the Krishna river system are not sufficient to satisfy the demands of all the existing and proposed projects of the States.

Conclusion.—Subject to consideration of the question whether in case of conflict between uses for irrigation and power production the claims for power production by westward diversion of water should be allowed to prevail at the expense of irrigation, three propositions may be safely laid down with regard to the Krishna river basin:

- (1) Diversion of water of the inter-State river Krishna outside the river basin is legal.
- (2) In equitable allocation, future uses requiring diversion of water outside the basin are relevant, but more weight may be given to uses requiring diversion of water inside the basin.
- (3) All existing uses based on diversion of water outside the basin should receive the same protection that may be given to existing uses based on diversion of water inside the basin.

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Part II—*Diversion of water of the Krishna river for irrigation outside the river basin.* 409

Water is and will be diverted outside the Krishna basin for the purpose of irrigation from the following projects⁽¹⁵⁾ :—

- (1) Krishna Delta Canals,
- (2) Kurnool Cuddapah Canal,
- (3) Nagarjunasagar project (Right Bank Canal),
- (4) Tungabhadra Project (Right Bank High Level Canal) Stages I and II (Andhra Pradesh's share), and
- (5) Guntur Channel.

The Krishna Delta Canal system was constructed in 1855 for irrigation of the Delta areas. The characteristic of the delta formed at the mouth of a river by the deposit of river-borne silt is that its general surface slope is away from the river margins and most of its drainage reaches the sea through minor streams. A large part of the delta area is thus technically outside the river basin. But the entire delta area is dependent on the river for irrigation; its soil is usually very fertile, and being soft, facilitates the cheap construction of canals⁽¹⁶⁾. About 95% of the area irrigated in the Krishna delta by the Krishna Delta canals is in the Gundlakamma and other minor valleys outside the Krishna basin. The Guntur Channel will supply water for irrigation to the high lands adjoining the Krishna Delta.

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The Kurnool Cuddapah Canal was constructed in 1866 to alleviate distress in the famine-stricken areas of the Pennar basin. About 90% of the area irrigated by the Kurnool Cuddapah Canal lies in the Pennar valley⁽¹⁷⁾. At the point of diversion of the Krishna waters, a low ridge separates the Pennar valley from the Krishna basin.

The Tungabhadra Project High Level and Low Level Canals are intended partly for the benefit of Bellary, Anantpur, Cuddapah and Kurnool districts⁽¹⁸⁾. A part of the area irrigated from the Tungabhadra High Level Canal lies in the Pennar valley. Water is diverted outside the Krishna basin from the Nagarjunasagar Project Right Bank Canal also.

(15) MRDK XII, Sheet No. XXIII.

(16) See W.M. Ellis, College of Engineering Manual 1963, pp. 62-65.

(17) Report of the Krishna Godavari Commission, p. 162.

(18) The Andhra State Act, 1953 section 66(5); Report of the Tungabhadra Project 1942 Low level Canal Scheme, APPK XVIII pp. 3-5.

sub-basins K-1, K-2, K-3, K-5 and K-6 in the State of Maharashtra its demands for irrigation according to Master Plan are for 860 T.M.C. Out of these, demands for 439.6 T.M.C. have been protected. Thus according to Master Plan, the unsatisfied demand is for 421.2 T.M.C. out of which the State of Maharashtra has now confined its claim to 280.3 T.M.C. as shown in the Statement MR Note No. 30. That statement gives all the projects for which water for irrigation is claimed according to Master Plan and the reduced demands according to MR Note No. 30. In addition to the demands contained in the Master Plan, the State of Maharashtra has filed MRPK-31 which contains the details of the existing and under construction bhandaras, weirs and lift irrigation schemes some of which are not included in the Master Plan. According to the State of Maharashtra, the utilisation of the bhandaras, weirs and lift irrigation schemes mentioned in MRPK-31 but not included in the Master Plan amounts to 19.06 T.M.C. Out of this, demands for some weirs, bhandaras and lift irrigation schemes may merge with the demands for projects claimed by the State of Maharashtra. The State of Maharashtra has claimed that the demand for bhandaras, weirs and lift irrigation schemes which may not merge with the projects must be given preference over other demands.

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We have got prepared Table No. 2 which shows the demands of the State of Maharashtra as shown in the Master Plan, the utilisation for each demand for which protection has been granted and the future demands made in accordance with MR Note No. 30. This Table also mentions demands for bhandaras, weirs and lift irrigation schemes. In this Table demands for minor irrigation requiring less than 1 T.M.C. have been consolidated basinwise instead of demand for each minor irrigation project being shown separately.

Coming to the demands of the State of Mysore, we find that in Statements Nos. 5 and 6 Annexure III at page 97 of MYK-I the details of the demands for projects for which water for irrigation is claimed have been given. In Appendix II to MY Note No. 17, a statement has been filed by the State of Mysore showing the demands basinwise. We have got prepared Table No. 3 of the demands of the State of Mysore on the same lines as Table No. 2. That Table shows the demands made by the State of Mysore in Statements Nos. 5 and 6 Annexure III in MYK-I, the utilisation for which protection has been granted for each demand and the quantity of water claimed under MY Note No. 17.

We have examined all the project reports of both the States and also the other demands and have formed our opinion as to which of the demands of both the States are worth consideration and how much water

should be allocated for each demand so that the reasonable demands of both the States may be assessed. In order to facilitate further discussion it is not proper to break the chain by giving the details of such examination at this place. The better way would be only to mention here the demands which, in our opinion, are worth consideration for assessing the needs of both the States and the quantities of water required for them and give the details of our examination along with the two Table Nos. 2 and 3 in Part II of this Chapter.

The demands for allocation of water from the dependable flow for the State of Maharashtra, which were assessed as worth consideration by us in Part II of this Chapter, excluding the demand for protected uses, are as under :—

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	T.M.C.
1. Krishna Canal Ex-Khodshi weir	3.00
2. Koyna Hydel and Koyna Krishna Lift Scheme	23.40
3. Dudhganga	14.00
4. Gudavale Lift Scheme	3.10
5. Mutha System ex-Khadakwasla	9.60
6. Kukadi Project	18.80
7. Barhanpur Project	1.48
8. Sina at Ningaon	1.70
9. Sina at Kolegaon	4.50
10. Hingni Pangaon	1.50
11. Bhandaras, etc.	17.80
12. Minor Irrigation	26.47
TOTAL	125.35

The demands for allocation of water from the dependable flow for the State of Mysore which were assessed as worth consideration by us, excluding the demands for protected uses are as under :—

	T.M.C.
1. Dudhganga Project	4.00
2. Upper Krishna Project	52.00
3. Ghataprabha Project	55.00
4. Malaprabha Project (including upper Malaprabha Project)	9.00
5. Ramthal Lift Irrigation Scheme	4.50
6. Bhina Irrigation Project	11.00
7. Diksanga Project	1.00
8. Amarja Project	2.27
9. Bennithora Project	5.43
10. Gandhorinala Project	2.20
11. Upper Mullanari Project	1.30
12. Lower Mullanari Project	4.40
13. Kagna Project	2.00
14. Vijayanagar Channels	6.35
15. Minor Irrigation	30.00
TOTAL	190.45

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We are of the opinion that out of 2060 T.M.C., 1693.36 T.M.C. be allocated to the three States for protected uses as already mentioned and the remaining may be divided between the three States as follows :—

	T.M.C.
1. State of Maharashtra	125.35
2. State of Mysore	190.45
3. State of Andhra Pradesh	50.84
TOTAL	366.64

Thus out of the dependable flow of 2060 T.M.C. the share of each State is as follows :—

	T.M.C.
1. State of Maharashtra	565.00
2. State of Mysore	695.00
3. State of Andhra Pradesh	800.00
TOTAL	2060.00

598 We have already determined the quantity of water which will be added to the 75 per cent dependable flow of the river Krishna upto Vijayawada on account of return flows and we have also determined how this water is to be shared by each State. This completes our discussion as to how the dependable flow of the river Krishna available for distribution is to be divided between the States of Maharashtra, Mysore and Andhra Pradesh.

We have to make some provisions relating to certain matters which arise out of this scheme for apportionment. Many of these provisions are based on agreed statements filed by the parties, some of them are merely incidental to the scheme of apportionment. In order to give a complete picture and to facilitate further discussion we consider it proper to refer to the Final Order of the Tribunal which is set out in Chapter XVI and which embodies all the provisions on the subject of apportionment of water of the river Krishna between the States of Maharashtra, Mysore and Andhra Pradesh.

Clause I of our Order gives the effective date on which the Order will come into force.

Clause II relates to underground water and is based on the agreed statement of the parties.

599 Clause III relates to the dependable flow and augmentation in the dependable flow due to return flows which we have already discussed.

Clauses IV and V embody the scheme for apportionment of water of the river Krishna between the

three States of Maharashtra, Mysore and Andhra Pradesh which we have already discussed in detail. In Clause V we have stated with regard to the States of Maharashtra and Mysore that each of them shall not use in any water year more than a particular quantity of water specified therein. It is necessarily implied that both these States may use, in any water year, water of the river Krishna upto the quantities specified in that Clause subject to the conditions and restrictions imposed by us and subject to the availability of water. We make it clear that water has been allocated to each of the three States enbloc and that subject to the conditions and restrictions placed by us, each State shall have the right to make beneficial use of the water allocated to it in any manner it thinks proper. We further make it clear that the water allocated to each State is for all beneficial purposes including domestic and industrial uses and no separate allocation is made for such uses.

Clause VI gives the definition of beneficial use which we have already discussed.

Clause VII defines how a use is to be measured and is self-explanatory. The second part of Clause VII is based on the agreed statement filed by the parties.

600

Clause VIII is self-explanatory.

In Clause IX we have placed restrictions on the use of water in the Krishna basin by the three States. We have already explained the reasons for placing such restrictions in the case of Tungabhadra and the Vedavathi sub-basins and on the main stream of the river Bhima. We have also placed restriction on the State of Maharashtra that it shall not use in any water year more than 7 T.M.C. from the Ghataprabha sub-basin (K-3) as otherwise the requirements of the State of Mysore for the projects in that sub-basin may suffer. We have also placed restriction on the State of Andhra Pradesh that it shall not use more than 6 T.M.C. from the catchment of the river Kagna in the State of Andhra Pradesh so that waters of that river may reach the main stream of the river Bhima. While placing restrictions on the use of water beyond the stated quantity by a State we have laid down an upper limit which is slightly above the total requirements of that State as assessed from the demands which have been either protected or which we have held as worth consideration.

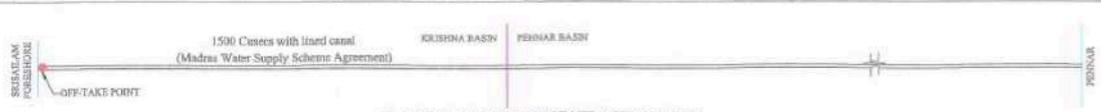
Clause X relates to the restrictions placed on the State of Maharashtra on the westward diversion. We have already assigned our reasons for incorporating this Clause.

601

Clause XI is self-explanatory and does not require any discussion.

MAP 4.1

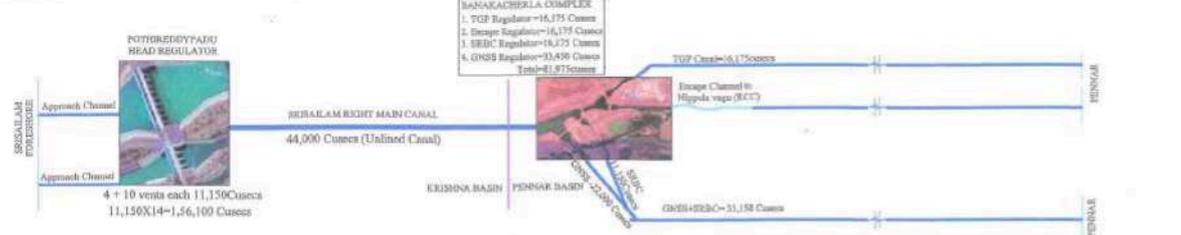
No Water Divisions from Srisaalam Reservoir sanctioned
 I. TILL YEAR 1976-CWC/PLANNING COMMISSION/KWDT-I AWARD



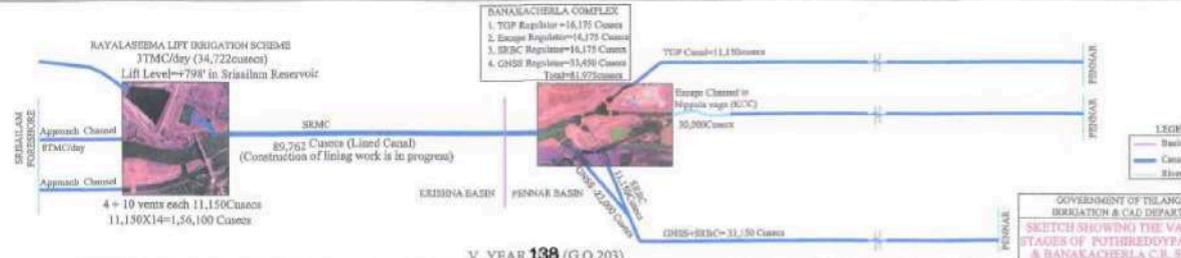
II. AS PER 1976-77 INTERSTATE AGREEMENTS



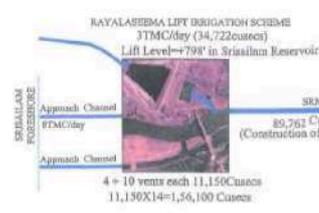
III. DURING YEAR 1983-1989



IV. YEAR 2005



V. YEAR 138 (G.O.203)



LEGEND
 - Basin Boundary
 - Canal
 - Head/Structure

GOVERNMENT OF TELANGANA
 IRRIGATION & CAD DEPARTMENT
 SKETCH SHOWING THE VARIOUS STAGES OF POTTHAREDDYPADU IIR & BANAKACHERLA C.B. SYSTEM

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Water Resources Department –Irrigation schemes to draw and utilize 6 TMC to 8 TMC per day from Srisailem Reservoir - Administrative approval - Accorded – Orders - Issued.

WATER RESOURCES (PROJECTS.III) DEPARTMENT

G.O.RT.No. 203

Dated: 05-05-2020.

Read the following:-

- 1) From the Chief Engineer (P), Kurnool Lr.No.CE/KNL/DEE4/AEE2/ Rayalaseema Projects/2019, Dt:31-12-2019.
- 2) From the Chief Engineer (P), Kurnool Lr.No.CE/KNL/DEE4/AEE2/ Rayalaseema Projects/2020/02 Govt, Dt:10-01-2020.
- 3) From the Chief Engineer (P), Kurnool Lr.No.CE/KNL/DEE4/AEE2/ Rayalaseema Projects/2020/ Dt:16 & 18.04.2020.

&&&&

ORDER:

In the letters 1st to 3rd read above, the Chief Engineer (P), Kurnool has requested the Government to accord administrative approval for the following works for an amount of Rs.7045.06 Crores:

S.No.	Name of the Project	Estimate cost in Rs. Crores
I	Rayalaseema Pumping system (3 TMC per day) from Sangameswaram to SRMC at km 4 from Pothireddypadu Head Regulator	3889.00
II	Upgradation of Pothireddypadu Head Regulator and BCR Complex to Draw 80,000 C/S of Water From Foreshore of Srisailem Reservoir	570.55
III	i)Lining of Existing SRBC/GNSS Canal Upto Berm Level to Draw 30000 c/s (upto Gorukallu Balancing Reservoir)	981.93
	ii) Construction of additional Infall Regulator with 03 vents to accommodate 10000 c/s capacity including Excavation of approach channel and leading channel for GBR	38.70
	iii) Lining of Existing SRBC/GNSS Canal Upto Berm Level to Draw 30000 c/s (in between Gorukallu Reservoir to Owk Reservoir)	1564.88
Total		7045.06

2. Government after careful examination of the proposal of Chief Engineer (P), Kurnool, hereby accorded administrative sanction for an amount of Rs.6829,15,00,000/- (Rupees Six Thousand Eight hundred Twenty nine Crores and Fifteen Lakhs only) for the following works as detailed below:

S.No	Name of the work	Cost (Rs. in Crores)	Comprising components of work
I	Rayalaseema Lift Scheme to draw and utilize 3 TMC per day from Sangameswaram to SRMC at Km 4 from Pothireddypadu Head Regulator.	3825.00	Approach channel, Lift systems, Infrastructure for pump stations
II	Upgradation of canal system from Pothireddypadu Head Regulator and BCR Complex from Foreshore of Srisailem Reservoir.	570.45	Widening of approach channel, improvements to old Pothireddypadu head regulator, lining to SRMC, SLB@0.600 of SRMC, pool pond @ BCR complex, imp. To gates for TGP, escape channel and SRBC at BCR complex, loop canal to connect SRBC to escape channel
III	i) Lining of Existing SRBC / GNSS Canal upto Berm Level to draw 30,000 c/s (up to Gorakallu Balancing Reservoir)	939.65	Construction of balance structures from Km 0.10 to Km 25.067 & 25.067 to 56.775, lining/short-creting of SRBC canal from Km 0.10 to Km

		25.067 & 25.067 to 56.775
ii) Construction of additional In fall regulator with 3 vents to accommodate 10,000 c/s capacity including approach channel and leading channel for GBR	36.95	
iii) Lining of Existing SRBC / GNSS Canal upto Berm Level to draw 30,000 c/s (in between Gorakallu Reservoir to Owk Reservoir)	1457.10	Construction of side walls and lining of canal from Gorakallu reservoir up to 17.386 Km, CC lining/shortcreting from Km 17.386/46.000 & from Km 46.000 to Km 57.700 & Lining of Owk Tunnel-III for additional 10,000 c/s discharge
TOTAL:	6,829.15	

(Rupees Six Thousand Eight hundred Twenty nine Crores and Fifteen Lakhs only)

3. The Chief Engineer (P), Kurnool shall take further action in the matter accordingly and directed to speed up the land acquisition process and also to ensure the following before according technical sanction for the above works:

1	The correctness of provisions, quantities and rates proposed in the estimates.
2	The design/drawings have to be approved by the competent authority
3	As per the revised Sand Policy of the Govt. the Sand rate has to be adopted.
4	Detailed estimates/quotations have to be supported for the LS provisions.
5	All the works proposed now should not overlap in any other works/packages.

4. The above expenditure is debitale to the HOA: 4700-Capital Outlay on Major Irrigation -01- Major Irrigation - Commercial - MH - 133-GNSS – GH II State Development Schemes - SH 27 C&D - 530 Major Works - 531 – Major Works.

5. This order issues with the concurrence of the Finance (FMU.WR.II) Department vide their UO No. FMUOMRAS(WR2)/128/2020-FMU-WR-II, dt:01.05.2020.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SPECIAL CHIEF SECRETARY TO GOVT

To
The Chief Engineer (Projects), Kurnool.
Copy to:
The Director of Works & Accounts, Vijayawada.
The Finance (FMU.WR.II) Department
The Accountant General, AP, Hyderabad
PS to Hon'ble Minister for WRD;
PS to Special Chief Secy (WRD)
File No. ICD01/MJIR/17/2020-PROJECTS-III(Comp No.1076666)
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER