

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE

AT CHENNAI

OA No 111 OF 2022

IN THE MATTER OF:

M NARASIMHA REDDY

..... Applicant

Vs

STATE OF ANDHRA PRADESH CHIEF SECRETARY & OTHERS

.... Respondents

REPORT FILED BY THE MINES RESPONDENT NO 5

DATE – 17.03.2025



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

Mobile: 98407 98460 / 63831 21322

Email: reddymadhuri09@gmail.com

Report filed by Department of Mines and Geology, Ibrahimpatnam in compliance with the Hon'ble NGT, Chennai order dated 30.01.2025 in O.A.No.111 of 2022 filed by Sri M. Narasimha Reddy and others.

1. It is submitted that, Sri M. Narasimha Reddy & Others have filed O.A.No.111/2022, dt.17.08.2022 in the Hon'ble National Green Tribunal, South Zone, Chennai wherein it was alleged that M/s MRKR-RITHWIK (JV) awarded with a tender contract dated 21.10.2020 for a sum of Rs.1758.81 Crores for the purpose of "Improvements to the Kundu river and Formation of Rajoli Reservoir across Kundu river on Upstream side of existing Rajoli Anicut for a total storage capacity of 2.95 TMC of Water" and "construction of Joladarasi Reservoir with 0.8. TMC across Kundu River at Joladarasi (V), Koilakunta (M), Kurnool District". However, in contravention of the provisions of the Mines and Minerals Act, M/s MRKR-RITHWIK (JV) contractor has extracted the Sand and earth and sold the same in open market. Further, the same is also violates of the Andhra Pradesh Mineral Dealers Rules, 2017 leading to depletion of ground water level.

2. It is submitted that, the National Green Tribunal Southern Zone, Chennai has issued an orders in Original Application No.111 of 2022 (SZ) & I.A No.124 of 2023(SZ), dt.30.01.2025:

"1. Today, there is no representation for the applicant.

2. Let the matter be listed on 07.03.2025 under the caption 'For Dismissal/Final Hearing'."

3. It is submitted that, as per the instructions of the District Collector, YSR District vide Lr.No.717/NGT/Vg/2024, Dated:17-08-2024 1) The Superintending Engineer, KC Canal, Nandyal, 2) The District Mines & Geology Officer(I/C), YSR District, 3) The Executive Engineer, KC Canal, Nandyal, 4) The Deputy Superintendent of Police, Mydukur, 5) The Tahsildar, Duvvur (M), YSR District & 6) The Tahsildar, Chapadu (M), YSR District and their staff have been inspected jointly the complained areas of Kundu River at Seetharampuram (V), Chapadu (M) & Nelaturu (V) of Duvvur (M), YSR District on 20.08.2024.

4. It is submitted that, the Irrigation Department Officials described that for widening the Kundu River, M/s MRKR-RITHWIK (JV) Projects Company obtained the Tender, on the basis of tender approved by the Government of A.P. issued one letter No.06CE/2020-2021, dated 31-03-2021 for Rs.1,758.82 Crores (Rupees one thousand seven hundred fifty-eight crores and eighty-two lakhs) was sanction to carry out the widening of Kundu River.

While carrying out the works it is confirmed that while widening Kundu River by M/s MRKR-RITHWIK (V) Projects Company the amount of MUD 2,93,568 CBM was dumped by the side of Kundu River.

The scope of work :

1. Improvements to Escape Channel, Nippulavagu, Galeru River from Km 0.000 to Km 189.200 and re-gradation of vagu, flood protection works and providing high level Bridges to en-route villages for improving the carrying capacity to 35000 cusecs.
2. Formation of Rajoli Reservoir across Kundu River on Upstream side of existing Rajoli Anicut for a total storage capacity of 2.95 TMC of water.
3. Construction of Joladarasi Reservoir with 0.8 TMC across Kundu River at Joladarasi (V), Koilakunta (M), Kurnool District.

Benefit of the work :

1. There will be considerable increase in Ground water levels in upland areas of the Nandyal and Kadapa districts and Stabilizing ayacut, non ayacut along the Kundu River.
2. To overcome Inundation of Nandyal and Surrounding Villages, and Flood mitigation.
3. To carry flood water to Somasila Reservoir across Penna River in Nellore District. This serves ayacut of Nellore and Prakasam Districts and drinking water supply to Chennai city. In addition to this agriculture, develops horticulture, floriculture and aquaculture.

- i. As part of above work, M/s MRKR-RITHWIK(JV) company have undertaken the widening of Kundu River in the complained area at Seetharampuram (V), Chapadu (M), YSR District and excavated / collected Soils, Rock muck during widening process and the same was deposited / stocked at the River bank of Kundu River as per the agreement conditions to a tune of **2,93,508 Cbm** (as per the records of the Deputy Executive Engineer, K.C Canal(Spl), Sub-Division, Mydukur).
- ii. M/s MRKR-RITHWIK (JV) company have undertaken the widening of Kundu River in the complained area at Nelatur (V), Duvvur (M), YSR District and excavated / collected Soils, Rock muck during widening process and the same was deposited / stocked at the River bank of Kundu River as per the agreement conditions to a tune of **54,839 Cbm** (as per the records of the Deputy Executive Engineer, K.C Canal (Spl), Sub-Division, Mydukur).
- iii. The contractor company has dumped / deposited / stored the Soils generated during widening of river bed of Kundu River as a spoil bank on the both sides of the river as per agreement conditions 42.1(a) & 60(b).
- iv. The above said 2,93,508 Cbm was theft by the culprits unauthorizedly without taking permissions from the Irrigation Department.
- v. The above said 54,839 Cbm was theft by the culprits unauthorizedly without taking permissions from the Irrigation Department. On local enquiry with the villagers & neighbouring formers by the Joint inspection team, it is revealed that the contractor company M/s MRKR-RITHWIK (JV) itself have theft / dispatched Soil/Rock muck without prior permission from the concerned Irrigation Department for commercial purpose and real estate ventures violating the condition 60(b) of the contract agreement.

5. It is submitted that, as per the instructions of the District Collector, YSR District vide Lr.No.717/NGT/Vg/2024, Dated:17-08-2024 1) The Superintending Engineer, KC Canal, Nandyal, 2) The District Mines & Geology Officer(I/C), YSR

District, 3) The Executive Engineer, KC Canal, Nandyal, 4) The Deputy Superintendent of Police, Mydukur, 5) The Tahsildar, Duvvur (M), YSR District & 6) The Tahsildar, Chapadu (M), YSR District and their staff have been inspected jointly complained areas of Kundu River at Seethampuram (V), Chapadu (M) & Nelaturu (V) of Duvvur (M), YSR District on 20.08.2024.

Findings of the Joint Inspection Team:

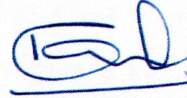
- a) The Deputy Executive Engineer, K.C Canal(Spl), Sub-Division, Mydukur has filed several complaints in the Chapadu Police Station, YSR District and the Station House Officer, Chapadu Mandal has filed an FIR No.75/2024, dt.06.06.2024 against the 1) Sri Gosula Munaiahgari Kishore Kumar Reddy, Alladupalle (V), Chapadu (M), YSR District, 2) Sri Gosula Naveen Kumar Reddy, Alladupalle (V), Chapadu (M), YSR District & 3) Gosula Sreenivasula Reddy, Alladupalle (V), Chapadu (M), YSR District.
- b) The contractor company M/s MRKR-RITHWIK (JV) is not required to obtain lease as per Mines & Minerals Development Rules, 1957 and Andhra Pradesh Minor Mineral concession rules, 1966 since the work was awarded by the Government (Irrigation Dept.,) for the above scope of work and also not required for obtaining Mineral Dealer License as per Andhra Pradesh Mineral Dealer License Rules, 2017.
- c) The contractor company has dumped / deposited / stored the Soils generated during widening of river bed of Kundu River as a spoil bank on the both sides of the river as per agreement conditions 42.1(a) & 60(b).
- d) The Deputy Executive Engineer, K.C Canal(Spl),Sub-Division, Mydukur vide Lr.No.312M, dt.14.06.2022 has filed complaint before the Station House Officer, Duvvur Mandal for taking further necessary action against the culprits. Further, the Deputy Executive Engineer, K.C Canal(Spl), Sub-Division, Mydukur vide Lr.No.181M, dt.28.03.2022 requested the Station House Officers of Chagalamarri Mandal, Mydukur Mandal, Rajupalem Mandal, Duvvur Mandal, Chapadu Mandal, Mydukur Mandal & Proddatur Mandal to file cases on the owners of the tippars who carrying/transporting Soil / Earth unauthorizedly from the spoil banks of Kundu River from

Seetharampuram & Nelatur villages of Chapadu & Duvvur Mandals, YSR District for commercial purpose and real estate ventures.

- e) The Joint inspection team has not observed any Sand heaps along the river bank of the Kundu river at Nelatur & Seetharampuram villages of Duvvur & Chapadu Mandals, YSR District and excavation of Sand since the Kundu River is flowing with the flood water of Pothireddipadu head regulatory Project with full level capacity and thus it is not possible to verify whether the contractor company M/s MRKR-RITHWIK (JV) has excavated Sand from the river bank of Kundu River at Nelatur & Seetharampuram villages of Duvvur & Chapadu Mandals, YSR District.
- f) The officials of Irrigation Department, KC Canal, Nandyal District have stated that no Sand was available in the Kundu river while widening and deepening of the Kundu River by the contractor company at Nelatur & Seetharampuram villages of Duvvur & Chapadu Mandals, YSR District. But, the mixture of Soil+Earth+Silt locally called as Galugu was generated during widening of Kundu river at Seetharampuram (V), Chapadu (M) and the same was formed as Spoil bank along the river bank and it is not useful for the purpose of any building construction works / cement works / road works & concrete works. But, it is only useful for filling purpose for basements and real estate ventures as filling material only.
- g) The Irrigation Department of Nandyal Staff given the complaint to the SHO, Duvur for rising the FIR concerned vide letter No. 312 M, dated 14-06-2022. In the same way the letter No.181 M, dated 28-03-2022 to SHO, Chagalamarri, Rajupalem, Duvur, Chapadu, Mydukur which are adjoining Kundu River for transportation of MUD which came after excavating from the Kundu River.
- h) Finally, the Joint Inspection Team concluded the Kundu River is flowing in full swing from the Pothireddipadu Head Regulator, No Excavation work is carried by the M/s MRKR-RITHWIK (JV) Projects Company at present. Since the Kundu River is flowing no work is carried out by the M/s MRKR-RITHWIK (JV) Projects Company. It is seen that the complaint made against Marthala Narasimha Reddy and others for digging sand and MUD is found to be false.

6. The joint inspection team have not observed any illegal mining of Earth, Soil & Sand by the contractor company M/s MRKR-RITHWIK (JV) or others since the contractor company was awarded the work of widening of Kundu River from the Water Resource Department KC Canal, Kurnool District vide agreement No.CE(P)KNL/No.06 CE/2020-21, dt.31.03.2021 and as part of it the contractor company have only excavated the Soils, Earth & Rock muck while conducting river widening works and the same was dumped as Spoil bank along the Kundu river bank as per the contract agreement conditions 42.1(a) & 60(b).

In view of the circumstances, it is humbly prayed that the Hon'ble National Green Tribunal, South Zone, Chennai may be pleased to consider the above report and dismiss the O.A.No.111/2022(SZ) and to pass such other order or orders as are deemed fit and proper in the circumstances of the case and thus render justice.



Commissioner & Director of Mines and Geology
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DIRECTOR OF MINES AND GEOLOGY
IBRAHIMPATNAM, GOVT., OF A.P.**