

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI (SZ)
ORIGINAL APPLICATION NO.136 OF 2023**

IN THE MATTER OF:

M.Venkata Reddy,

Telangana.

...Applicant(s)

-VS-

State of Telangana,
Rep. by its Chief Secretary,
Telangana and Ors.

...Respondent(s)

REPORT FILED BY THE IRRIGATION DEPARTMENT

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Place: Chennai

Date: 01.04.2025



Mrs. H. Yasmeen Ali,
Standing counsel for 6th Respondent.

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No: 136 of 2023

M. Venkata Reddy
S/o. M. Thirupathi Reddy, Aged years
R/o. Eppalapally Village, Veenavanka Mandal,
Karimnagar District, Telangana

... Applicant

Vs

- 1) State of Telangana
Rep. by its Chief Secretary
General Administration
Secretariat, Hyderabad
Telangana – 500022
- 2) Union of India
Rep. by its Secretary
Union Ministry of Environment, Forest & CC
Paryavaran Bhavan
New Delhi -110003
- 3) Telangana Pollution Control Board
Rep. by its Member Secretary
A-3, Paryavaran Bhavan,
Sanath Nagar, Industrial Estate,
Hyderabad – 500018
- 4) Telangana State Tourism Development Corporation Ltd,
Rep. by its Executive Director,
Tourism House, Himayathnagar, Hyderabad-500027
- 5) District Collector,
Karimnagar District,
Telangana – 505001.
- 6) Executive Engineer,
Division 5 of Irrigation Circle2
LMD Colony, Karimnagar.

... Respondents


**Executive Engineer,
Division No. 5, of IC. No. 2,
LMD Colony, Karimnagar**

REPORT FILED ON BEHALF OF THE 6TH RESPONDENT

The 6th respondent above named respectfully submits as follows:

1. The above Original Application has been filed before the Hon'ble National Green Tribunal, Southern Zone, Chennai seeking the following reliefs:
 - a) to direct the Project proponent to execute the Maneru River project only after conducting an EIA study and an Environmental clearance;
 - b) to direct the respondents not to construct permanent structures on flood plains contrary to MoEF guidelines;
 - c) to direct assessment of environmental damage caused by the Project proponent and ;
 - d) to direct restoration of the damaged area;
2. It is submitted this Hon'ble Tribunal, by its order dated 18/09/2024 was pleased to direct suo motu impleadment of the Irrigation Department as the 6th Respondent noting that for the Tourism Department to commence work, sanctions would be required from the Irrigation Department. The operative portion of the order is extracted herein below:

“It appears that the Irrigation Department would be a necessary party, as the sanction from the said department is vital if the work is to continue. Hence, the Irrigation Department is Suo Motu impleaded as Respondent No.6 to this proceeding”
3. It is submitted that in furtherance of the same, the respondent herein is filing this counter cum report for the kind perusal of this Tribunal.

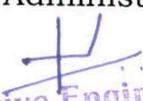

Executive Engineer,
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LMD Colony, Karimnagar

4. At the outset, the respondent herein would like to submit that no sanction/permission has been accorded by the irrigation department yet to the Tourism Department, for the execution of the Manair River front development works.
5. It is humbly submitted that Manair river front project is a project promoted by the tourism department with a scheme of its own. The irrigation department is not concerned with the same.
6. It is further submitted, that on account of the flood protection works being taken up by the irrigation department at the banks of the Manair River, it is not feasible for the Tourism Department to execute the riverfront development work. As such, no work has been undertaken by the Tourism department yet.
7. **Relevant Facts:**
 - a) The Government decided to take up flood mitigation works along the Manair River with the below scope of the work:
 - i) Construction of Protection walls from Km.1.100 to 3.700 on both flanks of Manair River in the Downstream of LMD.
 - ii) Improvements to existing Check Dam -II and Construction of Half Barrage(210M)
 - iii) Excavation of Feeder Canal from DBM-1 to feed fresh water to the Check Dam.
 - iv) No Land Acquisition has been done.
 - v) No irrigation facilities or culturable command area is being created.
 - vi) No new storage is being contemplated.
 - vii) No EC is required for the present irrigation works.
8. It is submitted that the primary objective of the irrigation work being under taken is to control flooding in the city by constructing a network of protection walls, embankments, and sluice gates for evaluated discharges 0.80 Lakh Cusecs, 2.80 Lakh Cusecs, 3.50 Lakh cusecs and 5.00 Lakh Cusecs. The project focuses on improving the


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river's water quality, restoring the natural ecosystem, and enhancing biodiversity.

9. It is humbly submitted that gated barrage with 14 vents is proposed with 0.70 mts below bed for which Model Studies Conducted at TSERL and also provided arrangements for feeding fresh water to Manair River from DBM1 of Kakatiya Main Canal (Below LMD) to maintain the quality of water. The purpose was also to maintain the river ecology by clearing off siltation, other foreign material and preventing algae. Cleaner water can create a more favorable environment for aquatic life, such as fish and amphibians.
10. It is most respectfully submitted that the present ongoing irrigation work of Construction of Protection Walls on both flanks of Manair River below LMD upto Check Dam-II vide G.O. Rt. No. 215, I & CAD (MI) Department, Dt. 09-06-2021 for Rs. 310.464 Crores does not speak of any Manair river front project. The work sanctioned by the aforesaid Government order is purely for undertaking irrigation department work only which is intended for public safety and prevention of flooding. This is also evident from the MOEF report dt. 15th October, 2024 at pg. 58, point (iv)
11. It is to submit that as per categorization of projects and activities under 1(c) (ii) Irrigation projects the present irrigation project doesn't fall under Category A > 10,000 ha of culturable command area under irrigation or Category B < 10,000 ha of culturable command area under irrigation, requiring prior Environmental Clearance Notification issued by Ministry of Environmental, Forest and Climatic Change in August 2015. Therefore, no prior Environmental Clearance is required for the subject flood protection and Irrigation work based on the scope of work as stated in point 7.
12. It is to submit that Irrigation Department works and Tourism Department Works tenders were called separately and are being carried out by different agencies, under different Administrative


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Approvals from the Government. Further it is to submit that Irrigation Department is executing only Irrigation related works and Tourism Department is executing the Manair River Front related development works.

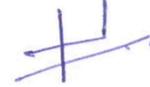
13. It is to submit that this Hon'ble Tribunal by its Order dated: 17.02.2025, stated that the MoEF&CC cannot assess the total Manair Riverfront Project's exact area and build up area unless the Final Keyhole Markup Language (KML) File and construction Master Plan are provided by the Project Proponents i.e. Respondent No.4 - Telangana State Tourism Development Corporation Limited and Respondent No.6 - Irrigation Department. Further both the respondents were directed to submit the KML file to MoEF&CC within a week.
14. It is to submit that, we have submitted the KML file to MoEF&CC vide letter No.: EE/ID.5/IC-2/LMD/TS/T1/M/112, dated: 24.02.2025 as per directions of this Hon'ble Tribunal.
15. The agency SLR-HES(JV), the agency executing the Flood Protection works of Irrigation Department has issued a letter vide Lr No.: SLR-HES/PW/2024-25/006, dated: 03.03.2025 and Lr No.: SLR/PW/2024-25/007, dated: 03.03.2025 stating that manpower, machinery at the site are idle and therefore they are suffering huge losses. They have requested the department to compensate for all the losses arising out of the stoppage of work. As this a crucial working period and the project is at a critical stage, they have clarified that they shall not be held accountable for any damage caused to the structure.
16. It is to submit that this is a peak working season and only 3 months of working season is left to complete the critical components of the project. It is humbly submitted that the stay on Respondent No. 6 may be vacated, and the petition against Respondent No. 6 may be dismissed to take up flood protection works to safe guard the structure and since prior Environmental Clearance is not required as stated in para 11


Executive Engineer,
Division No.5, of IC. No.2,
LMD Colony, Karimnagar

17. It is humbly submitted that the allegations and apprehensions raised in the Original application are misconceived and ill-founded. Is this Hon'ble Tribunal So requires the petitioner/respondent no.6 reserves its right to file additional clarifications in the form of an Additional Affidavit.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take on record this reply and pass any such order, as it may deem fit, proper and just in the facts and circumstances of the case.

Dated at _____ on this the 1st day of April 2025.



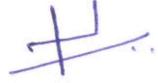
6th Respondent
Executive Engineer,
Division No.5, of IC. No.2,
LMD Colony, Karimnagar

VERIFICATION

I, P. NAGABHISHAN RAO S/o. JALANNADHARAO,

the 6th Respondent herein do hereby verify that what are all stated above are true and correct to the best of my knowledge, information and belief.

Verified at _____ on this the 1st day of April 2025.



6th Respondent,
Executive Engineer,
Division No. 5, of IC. No. 2,
LMD Colony, Karimnagar

To,
✓ The Superintending Engineer,
Irrigation Circle-2, LMD Colony,
Karimnagar.

Lr. No: SLR-HES/PW/2024-25/006

Dt: 03.03.2025

Dear Sir,

Sub: "Construction of Protection Wall along Manair River both sides on both flanks between downstream of LMD and Check dam-II of Karimnagar Rural (M), Karimnagar District. "(for the work of Protection wall, Half Weir and Half Barrage duly utilizing the intact portion of Check Dam-II, Improvements of Check Dam -II, Canal for feeding River Front)" – **Reply to the notice to stop the work** –reg.

Ref: 1. Ag. No. 01/SE/IC-2/2022-23, Dated: 22.04.2022.

2. SE/IC-2/LMD/DEE-1/TS/T1/M/103, dated: 25.02.2025, received on: 01.03.2025

We are in receipt of your letter vide reference 2nd cited, regarding the stoppage of work.

1. We submit that, all necessary clearances for the execution of work i.e, Land acquisition, Design and drawings, NGT, EIA studies are the responsibility of the department.
2. It is to inform you that the work is at a critical stage and stopping it at this stage may cause damage to the structures like Barrage, Protection wall and check dam. We shall not be held accountable for any resulting damages, as the work is being stopped by the department.
3. We have sufficient manpower, materials and machinery on site, which will become idle due to the stoppage of work. Additionally, materials at site may expire or become damaged, rendering them unusable. All such costs shall be paid to us additionally.
4. We will incur additional cost for demobilization and subsequent re-mobilization. These costs also shall be paid to us additionally.
5. Water logging at the site will require additional dewatering and the associated costs shall be paid additionally.

We are herewith stopping the work as instructed by you vide reference 2nd cited. We request you to get all the necessary clearances, i.e., land acquisition, NGT, EIA studies, Designs and drawings at the earliest, as this is a very crucial working season.

We request the department to obtain the necessary clearances at the earliest so as to enable us to restart the work

Yours Sincerely,

For M/s SLR - HES (JV)



Authorized Signatory.

Copy to:

1. ENC, Irrigation, LMD Colony, Karimnagar for Information.
2. Executive Engineer, Division No. 5, LMD Colony, Karimnagar for Information

GOVERNMENT OF TELANGANA
IRRIGATION AND CAD DEPARTMENT

From:

P. Nagabhushana Rao, B.Tech,
Executive Engineer,
Irrigation Division.No.5
LMD Colony, Karimnagar

To

The Director,
Integrated Regional Office,
Ministry of Environment Forest and Climate Change,
Aranya Bhavan, Hyderabad – 500 004
Telangana.

Letter.No. EE/ID.5/IC-2/LMD/TS/T1 M/112

Date: 24.02.2025

Sub: Construction of Protection wall along the Manair river both sides on both flanks between downstream of LMD and Check Dam No.II of Karimnagar Rural (M), Karimnagar District for the work of protection wall, half weir and half barrage duly utilising the intact portion of Check dam-II, Canal – Submission of KML file for the subject work -Reg

Ref: 1. Original Application No :136 of 2023, before the Hon'ble National Green Tribunal, Southern Zone, Chennai
2. Orders of the Hon'ble NGT Dt. 17-02-2025.

It is to submit that theabove Original Application no:136 of 2023 has been filed before the Hon'ble National Green Tribunal,Southern Zone,Chennai

It is to submit the below for your kind consideration:

- a) The Government decided to take up flood mitigation works along the Manair River with the below scope of the work:
 1. Construction of Protection walls from Km.1.100 to 3.700 on both flanks of Manair River in the Downstream of LMD.
 2. Improvements to existing Check Dam -II and Construction of Half Barrage(210M)
 3. Excavation of Feeder Canal from DBM-1 to feed fresh water to the Check Dam.
 4. The Irrigation Department is doing only flood protection work.
 5. No Land Acquisition has been done.
 6. No irrigation facilities or culturable command area is being created.
 7. No new storage is being contemplated.
- b) The Government has accorded Administrative Approval for Construction of Protection Walls on both flanks of Manair River below Lower Manair Dam (LMD)upto Check Dam-II vide G.O. Rt. No, 215, I & CAD (MI) Department, Dt. 09-06-2021 for Rs. 310.464 Crores.(Administrative approval accorded by the Government.

- c) The Engineer-in-Chief (I), Karimnagar accorded the Technical Sanction for the Estimate vide ENCR No. 04/2021-22, Dt. 22-01-2022 for Rs. 306.671 Crores.
- d) The work was entrusted to M/s SLR –HES(JV),G2,Gourishankar Residency, 8-2-293/K/53&54, Kamalapuri colony, Phase 3, Hyderabad 500073, Telangana vide agreement No.01/SE/IC-2/2022-23, Dt.22.04.2022 for Rs.274,70,70,176.02/- with (+) 3.96% Excess.
- e) It is to submit that As per categorization of projects and activities under 1(c) **(ii) Irrigation Projects the present irrigation project doesn't fall under Category A > 10,000 ha. Of culturable command area under irrigation or Category B < 10,000 ha. Of culturable command area under irrigation, requiring Prior Environmental Clearance Notification issued by Ministry of Environmental, Forest and Climate Change in August 2015. Therefore no prior Environmental Clearance is required for the subject Flood Protection and Irrigation work based on the scope of work as stated in para a).**
- f) It is humbly submitted that gated barrage with 14 vents is proposed with 0.70 mts below bed for which Model Studies Conducted at TSERL and also provided arrangements for feeding Manair River from DBM1 of Kakatiya Main Canal (Below LMD) to maintain the quality of water. The purpose was also to maintain the river ecology by clearing off siltation, other foreign material and preventing algae. Draining and cleaning a pond can remove nutrients that feed algae blooms, which can harm aquatic plants and life., promoting beneficial bacteria and improving water quality. Cleaner water can create a more favorable environment for aquatic life, such as fish and amphibians.
- g) The project is being implemented taking all precautions. The primary objective of the of the Flood Protection and Irrigation work being undertaken is to control flooding in the city by constructing a network of protection walls, embankments, and sluice gates for discharge of Manair River. The project focuses on improving the river's water quality, restoring the natural ecosystem, and enhancing biodiversity.
- h) It is most respectfully submitted that the present ongoing Flood Protection and Irrigation work of "*Construction of Protection Walls on both flanks of Manair River below LMD upto Check Dam-II*" vide G.O. Rt. No. 215, I & CAD (MI) Department, Dt. 09-06-2021 for Rs. 310.464 Crores is only a irrigation work. The work sanctioned by the aforesaid Government order is purely for

undertaking irrigation department work only which is intended for public safety and prevention of flooding. As stated already in para(e) above, the said work does not require any clearance as per the provisions of the EIA notification.

- i) It is further submitted that Manair river front project is a project promoted by the tourism department with a scheme of their own. The irrigation department is not concerned with the same. If at all the tourism department requires any NOC from the irrigation department for the aforesaid project, the irrigation department will consider the same on its own merits including the fact whether any environmental clearance is required for the said tourism project.

We are herewith submitting the KML file for the subject Irrigation work.

Thanking you,

Yours faithfully,


Executive Engineer,

Irrigation Division No.5 of IC-2,
LMD Colony, Karimnagar.

GOVERNMENT OF TELANGANA

ABSTRACT

Minor Irrigation – Karimnagar District - Administrative Approval for the work “Construction of Protection Wall along Manaiar River both sides on both flanks between downstream of Lower Manair Dam & Check Dam No.II” of Karminagar Rural (M) for an amount of Rs.310.464 crores - Accorded – Orders – Issued.

IRRIGATION & CAD (MI) DEPARTMENT

G.O.Rt.No. 215

Dated: 09-06-2021.

Read the following:-

1. From the Secretary to Chief Minister, Govt. of Telangana Letter. No.CMO / Secy / Irrigation /2020 Dated.16.09.2020
2. From the Chief Engineer, Minor Irrigation (GB), Hyderabad Letter No.DCE-II/OT1/TO1/Retaining walls/Construction of 5 Nos of Check Dams across Manair vagu/2020, Dated 07-12-2020)
3. From the Engineer-in-Chief (General), Hyderabad, Letter No. ENC(G)/ CE(I)/ DCE I/OT3/AEE7/Protection Works/2021, Dated 16-03-2021
4. From the Engineer-in-Chief (General), Hyderabad, Letter No. ENC(G)/ CE(I)/ DCE I/OT3/AEE7/Protection Works/2021, Dated.17-05-2021

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ORDER:-

In the references 3rd and 4th the Engineer-in-Chief (General), Hyderabad has submitted the detailed estimate for Construction of Protection Wall along Manair River both sides on both flanks between downstream of Lower Manair Dam and Check Dam No.II of Karimnagar Rural (M), Karimnagar District for an amount of Rs.335.28 cores. The Engineer-in-Chief (General), Hyderabad has also furnished the Justification report and necessity for construction of the said Protection Wall.

2. After careful examination of the matter, Government hereby accord Administrative Approval for an amount of Rs.310.464 Crores (Rupees three hundred ten crores forty six lakhs and forty thousand only) for the work “Construction of Protection Wall along Manaiar River both sides on both flanks between downstream of Lower Manair Dam & Check Dam No.II” of Karimnagar (M), Karimnagar District subject to the following conditions.

1. The Engineer-in-Chief, Irrigation, Karimnagar is responsible for the correctness of quantity and provisions made in the estimate.
2. The Engineer-in-Chief, Irrigation, Karimnagar should ensure the preparation of detailed quantity statement @ 25 m interval for removal of obstructions in the river Bed portion before according technical sanction.
3. The Engineer-in-Chief, Irrigation, Karimnagar is responsible for classification of soils for foundation of protection wall on both sides and removal of obstructions in the river Bed portion.
4. The Engineer-in-Chief, Irrigation, Karimnagar should ensure the decision on the controlled blasting is confirmed by the committee of Chief Engineers before according technical sanction.

(PTO)

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3. The expenditure sanctioned in para (2) above shall be debited to the Head of Account "4700 - 01 - 232 - 25 - 27 - 500/531.
4. The Engineer-in-Chief (General), Hyderabad shall take necessary action as per rules accordingly.
5. This order issues with the concurrence of Finance (EBS.IX) Department vide their U.O. No.802/110/A1/EBS.IX/2021, Dated 19-4-2021

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. RAJAT KUMAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (General), Hyderabad.
The Engineer-in-Chief, Irrigation, LMD, Karimnagr.

Copy to:-

The Accountant General, Telangana, Hyderabad.
The Director of Works & Accounts, M.J. Market Road, T.S., Hyderabad.
The Pay and Accounts Officer, Karimnagar.
The P.S. to Secretary to Hon'ble Chief Minister.
The OSD / PS to Spl. Chief Secretary to Government.
The District Collector, Karimnagar.
The PA to Deputy Secretary to Government (S).
The Deputy Director, Monitoring, I & CAD.
The Finance (EBS.IX) Department.
SF/SCs

// FORWARDED:: BY ORDER //

SECTION OFFICER