

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE BENCH
AT CHENNAI

OA No 40 OF 2024

IN THE MATTER OF:

NEWS ITEM PUBLISHED ON 25 JANUARY 2024 IN THE EENADU NEWSPAPER
REGARDING DISCHARGE OF LIQUID WASTES IN LAKH LITERS INTO DIFFERENT
RIVERS IN ANDHRA PRADESH

..... Applicant

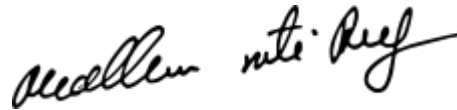
Vs

THE CHIEF SECRETARY TO GOVT OF ANDHRA PRADESH AND OTHERS.

.... Respondents

AFFIDAVIT FILED BY R3- MACHILIPATNAM
MUNICIPAL CORPORATION

DATE- 20.04.2024



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.

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**IN THE HON'BLE NATION GREEN TRIBUNAL,
SOUTHERNZONE CHENNAI**

(Through video conference – Suo Motu)

ORIGINAL APPLICATION NO. 40 of 2024(SZ)

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Chennai

Dt:- 20-04-2024


**COMMISSIONER
MUNICIPAL CORPORATION
MACHILIPATNAM**

**MEMORANDUM OF ORIGINAL APPLICATION
(Rule-15 of the National Green Tribunal Act, 2010)
IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

(Through Video Conference - suo motu)

Original Application No. 40 OF 2024 (SZ)


IN THE MATTER OF:

Tribunal on its own motion SUO MOTU
Based on the News Item in Eenadu
Newspaper, dt 25.01.2024, "Liquid
Wastes have been discharged into
Different Rivers in the State of Andhra
Pradesh".

.... Applicant

AND

1. **The Chief Secretary to Govt. of Andhra Pradesh,**
1st Block, 1st Floor, Interim Government Complex,
A.P Secretariat Office, Velagapudi, Guntur
Andhra Pradesh- 522237
Phone:8632441024, Email: cs@ap.gov.in
2. **Special Chief Secretary to Govt. of Andhra Pradesh,**
Department of Environment, Forest, Science and Technology,
4th Ground Floor, Room No:268,
A.P Secretariat Office, Velagapudi, Guntur
Andhra Pradesh- 522237
Phone:8632444438. Email: splcs_efst@ap.gov.in
3. **The Secretary to Govt. of Andhra Pradesh, Municipal
Administration and Urban Development Department,**
2nd Block, Ground Floor, Room No:140,
A.P Secretariat Office, Velagapudi, Guntur
Andhra Pradesh- 522237
Phone:8632442024. Email: prlsecy_maud@ap.gov.in


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4. **The Chairman, Andhra Pradesh Pollution Control Board,**
D.No.33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamavari Street,
Kasturibaipet, Vijayawada -520010.
Phone: 8662463202. Email: chairman@appcb.gov.in
5. **The Principal Secretary, Water Resources Department, Govt. of Andhra Pradesh,**
Address: 4th Block, 1st Floor Room No:216,
A.P Secretariat Office, Velagapudi,
Guntur - 522237
Phone: 0863-2444248 Email: splcs-wrd@ap.gov.in

... Respondent(s)

COUNTER AFFIDAVIT FILED BY THE RESPONDENT NO 3

I, Ch.V V S Bapiraju, S/o Veera Swamy, Hindu, aged 53 years working as Commissioner, Municipal Corporation, Machilipatnam do hereby solemnly affirm and sincerely state as follows:-

1. I am the 3rd Respondent herein and as such I am well acquainted with a fact of the case.
2. This respondent denies each and every averment made in the Suo Moto application as false and incorrect except those that are specifically admitted herein this counter affidavit.
3. The material allegations in the memorandum are all false. The material averments in the application all not true and correct and are hereby denied.
4. It is submitted that the Machilipatnam Municipal Corporation is committed to upholding the highest Environmental Standards and complies with all applicable Laws and Regulations. We take our responsibility to protect the Environment seriously and


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- implemented stringent measures to ensure the responsible management of both solid and Liquid Waste.
5. It is submitted that the Machilipatnam Municipal Corporation does not have any nearby River Banks and as such the claim of Liquid Waste that can be release into a River is factually inaccurate. As part of our commitment to the wellbeing of our community and the Environment, the Machilipatnam Municipal Corporation proposed one 5 MLD Sewerage Treatment Plant with to address the growing challenges associated with solid and Liquid Waste Management.
 6. It is submitted that in this connection, the Government have accorded Administrative Sanction for Rs.16,02,70,561/- for the construction of 5 MLD Sewerage Treatment Plant with Septage Management of which Government of India share is 4.04 Cr, Government of Andhra Pradesh share is 1.56 Cr for the above proposed construction.

Progress of the above Work Achieved and the details of the above proposed Work are submitted here under

Administrative Sanction	: G.O.Ms.No.82 M.A & U.D(UBS) Dept., Dt.03.03.2017 for Rs.16.76 Cr.
Method of Finance	: GoI Share : Rs.4.04 Cr. GoAP Share : Rs.1.56 Cr. Special Assistance GoAP: Rs.1.84 Cr. APCCB : Rs.2.68 Cr. ULB : Rs.6.64 Cr.
Technical sanction No.	: ENC (PH) R.No:89/2017-18, Dt.31.05.2017 for Rs.16.76 Cr.
Internal Bench Mark Value:	Rs.777.04 Crore (CAPEX +9 Years O & M)


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Agreement No. : SE(PH) QC.C GNT.Agt. No.:15/2017-18,
Dt.07.02.2018 for Rs.16,02,70,561/-

O & M Cost : Rs.470.00 Lakhs

Name of Agency : M/s. Eco Protection Engineers Private
Limited, Chennai-600101.

Date of completion as per Agt. : 06.05.2019.

The agency has stopped the work since 01.10.2021.

Progress of Work Achieved:

Status off the work: (Key Components)	Unit	Present Status of the Work: (Key Components)
Intercepting drain	10 M	To be taken up
Collecion well + Screen chamber + Grit Chamber	1 Job	37% of the work completed
Providing Non clog Sewage submersible pumpsets-2Nos-45LPS & 10M head:2nos-87 LPS & 10M head and 1 No.-218 LPS & 10M head	5 No.s	To be taken up
300mm dia DIK9 Pumping main	10 M	To be taken up
Construction of R C C M30 Septage holding tank	1 No.	To be taken up
Construction of R C C M30 Septage holding tank 4.0M X 3.0M Depth	1 No.	To be taken up
Construction of STP 5 MLD	1 No.	37% of the work completed
Strom Water Drain	1 Job	To be taken up
Collection well + Screen chamber +Grit chamber	1 Job	To be taken up
Wet Well	1 Job	To be taken up


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Primary Treatment unit	1 Job	To be taken up
SBR Basin	1 Job	To be taken up
Centrifuge building	1 Job	To be taken up
Chlorine Contact Tank	1 Job	To be taken up
Sludge thichkner	1 Job	To be taken up

Expenditure incurred so far	: Rs.4.52 Crs
Funds released so far	: Rs.4.52 Crs
GoI Share	: Rs.1.56 Crs
GoAP Share	: Rs.0.60 Crs
ULB Share	: Rs.0.88 Crs
Spl.Assistance GoAP	: Rs.1.48 Crs
APCB	: Rs.0.00

7. It is submitted that the Liquid Waste Water is discharging through the Siva Ganga Major Drain which passes tail end of the Town and finally discharges the Water into the Sea of Bay of Bengal. It is further submitted that the Liquid Waste Water is being generated in the entire town is being discharged into the above Siva Ganga Major Drain in the following locations.

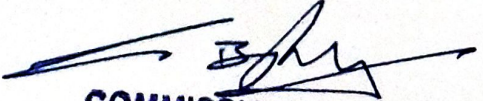
- 1.By pass road,
- 2.Shakthi Gudi Area,
- 3.Bustand Area,
- 4.Mandulagudem,
- 5.Eedepalli,
6. Koneru Center Robertson peta,
- 7.ZP Area.

8. It is submitted that as the Siva Ganga Major Drain is not an irrigation canal and the said water is not being utilized for irrigation


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purpose. The liquid waste is being disposed into Siva Ganga Major Drain only and no liquid waste is discharged into any irrigation canal/river in the Machilipatnam town limits.

9. It is submitted that further under AMRUT Phase-II project for the year 2016-2020, the above work "Construction of 5 MLD Sewage Treatment Plant with Septage Management including defect liability period of 2 years and performance-based O & M of 10 years in Machilipatnam Municipal Corporation" executed by the Public Health Engineering Department, Machilipatnam.
10. It is submitted that further the said work was entrusted to the Executive Agency M/S ECO PROTECTION ENGINEERS PRIVATE LIMITED, CHENNAI by the Public Health Engineering Department, Machilipatnam. I submit that the contractor concluded agreement for Rs.1602.71 Lakhs and the work was completed by the contractor up to the value of 45% i.e. Rs.421.85 Lakhs. Subsequently the said work was stopped by the contractor due to insufficient of funds. On the request of the Contracting Agency, as a special case, the Government closed the contract of the said work and accorded revised administrative sanction for Rs.21.60 Crores and the additional amount of Rs.4.84 Crore (Rs.21.60 Cr - 16.76Cr) shall be met from the available funds of ULB vide G.O.Ms.No.72, MA & UD (UBS) Department, Dt.01.06.2023.


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11. It is submitted that the Superintending Engineer, Public Health, Quality Control Circle, Guntur communicated the copy of the above G.O.Ms.No.72, MA & UD (UBS) Department, Dt.01.06.2023 and requested to take further action in the matter and to submit the consent to meet additional amount of Rs.4.85 Cr from the available funds of the ULB (Municipal Corporation Machilipatnam) in the form of Council Resolution so as to submit the same to the ENC- PH for obtaining the revised Technical Sanction to the balance work.
12. It is humbly submitted that in this regard the said STP work will be taken up either from the Government duly requesting by submitting the proposal to the Government for sanction of Special Grant or the said amount will be met from the Machilipatnam Municipal Corporation.
13. It is further submitted that the Machilipatnam Municipal Corporation will be taken up the above steps for prevention and control of pollution and water quality improvement and finally the treated water will be discharged into the Sea i.e. Bay of Bengal. It is submitted that all possible steps and measures are being taken so that the environment is protected for the future generations.


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14. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise the additional counter in the course of proceedings, if required.

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal maybe pleased to pass an appropriate order in the above OA No. 40 of 2024 and pass such further or other orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed and signed
his name in my presence
on this 24 th day of March, 2024


COMMISSIONER
MUNICIPAL CORPORATION
MACHILIPATNAM
Before Me

Advocate

VERIFICATION

I, Ch.V V S Bapiraju, S/o Veera Swamy, Hindu, aged 53 years working as Commissioner, Municipal Corporation, Machilipatnam, on behalf of the respondent 3 do hereby verify and state that the contents of the above paras of the Affidavit are true and correct to the best of my knowledge and belief, based on information and records available.


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Hence verified on this 24th day of March, 2024.

(Faint stamp of the Municipal Corporation, Machilipatnam)

