

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 56 of 2023 (SZ)

WITH

Miscellaneous Application No.04 of 2023 (SZ) in
Original Application No. 180 of 2021 (SZ)

IN THE MATTER OF:

Baddam Bhaskar Reddy,
Siddipet and Ors.

....Applicant(s)

Versus

Union of India,
Represented by its Secretary,
MoEF & CC, New Delhi & Ors.

....Respondent(s)

WITH

Baddam Raji Reddy & Ors.

.... Applicant(s)

Versus

Union of India
Rep. by its Secretary,
MoEF&CC, New Delhi and Ors.

....Respondent(s)

REPORT FILED BY THE 3rd RESPONDENT

As per the order Dated: 17.07.2023, the Special Chief Secretary, Irrigation & CAD Department is filing the report as follows:

- 1) Flood Flow Canal (FFC) project (originally cleared in the 64th TAC of CWC, Dt 30.03.1996) is envisaged irrigation facility to an area of 2.2 lakh acres in the drought-prone areas of Telangana region duly diverting about 20 TMC of surplus water from Sriramasagar project during the floods. The DPR approved by CWC in 1996 envisaged formation of 3 No's (Three) reservoirs namely (i)

Combined Storage Reservoir-I across Peddavagu II and Korutlavaagu near Konaraopet (V), Karimnagar Dist with a storage capacity of 7.346 TMC to irrigate an ayacut of 32,000 Acres. (ii) Mid Manair Reservoir with a storage capacity of 25.873 TMC to irrigate an ayacut of 68,000 Acres. (iii) Gouravelly Reservoir with storage capacity of 1.095 TMC to irrigate an ayacut of 1,20,000 Acres was proposed. The total storage capacity under these three Reservoirs was proposed as 34.314 TMC. The approved water utilization is 21.332 TMC of water.

- 2) The then Government of Andhra Pradesh awarded permission to divert and utilize 20.00 TMC of Godavari flood water according to the 64th TAC meeting in 1996. Later owing to huge protests and resistance from the local people against the construction of Combined Storage Reservoir-I across Peddavagu II and Korutlavaagu near Konaraopet (V), Kathalapur (M), Karimnagar Dist at Km 47.60 of FFC, the then Government of Andhra Pradesh vide G.O.Ms.No.209, dated: 17-11-1997 had bypassed the Combined Storage Reservoir-I across Peddavagu-II and Korutlavaagu.
- 3) The following clearances were obtained for Flood Flow Canal Project
 - a) The Site clearance for investigation & survey was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.24.06.2002.
 - b) There is no forest land involved in the project. However forest clearances for canals and reservoirs was accorded vide Lr. Ref. No. 50907/99/F.1, Dt: 14-03-2000 & 14.09.2000 respectively.
 - c) The Environmental clearance was accorded vide Lr. No.J-12011/26/2000-IA-I, Dt.14.05.2003.
 - d) The Rehabilitation and Resettlement clearance is received from the Govt. of India vide MOTA Lr. No.20011/4/2003- CP & R, Dt. 02-09-2004.

- e) The Planning Commission (water Resources Division) accepted for investment in the State Plan with an estimated cost of Rs 1331.30 crores vide Lr.No.2 (322)/03-WR Dt: 08.12.2005.
- 4) After formation of Telangana State, Government has taken up Reengineering of Irrigation projects for effective utilization of water allocations made to the state. To compensate the storage lost due to dropping of Combined Storage Reservoir-I across Peddavagu II and Korutlavaagu near Konaraopet (V), Kathalapur (M), Karimnagar Dist, the Government has now proposed to increase the Gouravelly Reservoir capacity from 1.410 TMC to 8.230 TMC as it is bestowed with advantages such as Geographical advantage of site at which reservoir was proposed, No forest land involved, No notified ecologically sensitive areas and wildlife ecosystems falling in the submergence, minimal submergence of lands for the increased storage capacity and minimum number of families displacement. The Government vide G.O.Rt.No.533, I&CAD (Projects-IV) Dept., Dt: 26.05.2017 has accorded Administrative approval. About 85 % of the work is completed by January 2020.
- 5) The submerging villagers of Gouravelly Reservoir have filed a case OA No.180 of 2021 before the Hon'ble NGT (SZ), Chennai on the ground that the Irrigation & CAD Department of State of Telangana, under Re-Engineering Proposal, issued orders for expansion of Gouravelly Reservoir, situated in Siddipet District, from 1.410 TMC to 8.23 TMC without obtaining prior environmental clearance from the Ministry.
- 6) In this regard, the National Green Tribunal (SZ), Chennai has constituted a Joint Committee represented by IRO, MoEF&CC, Godavari River Management Board and Central Water Commission, Integrated Regional Office, Hyderabad. The Joint

Committee conducted the site visit and filed its report, Dt: 29.09.2021 before the Hon'ble Tribunal on Dt: 25.11.2021.

7) Preliminary Objections to the affidavit was filed on 25.10.2021, Objections to the Joint Committee report was filed on 28.11.2021 and Counter affidavit was filed on 10.12.2021.

8) The final hearing on OA No.180 of 2021 was held on 10.02.2022 and the National Green tribunal disposed the case with the certain observations and directions. Few directions related to Environmental Clearance are as below.

- *Since Ministry of Environment, Forest and Climate Change (MoEF &CC) has come to the conclusion on the basis of the material collected by them that the present project requires further environmental clearance, the state of Telangana is restrained from proceeding with the project further till the proceedings initiated by the Ministry of Environment, Forest and Climate Change (MoEF &CC) is completed.*
- *If the project proponent makes an application for including the change of scope and apply for Environmental Clearance (EC) the same should not be granted by way of an amendment for existing EC and the entire process will have to be reassessed afresh as has been observed by the Hon'ble Apex Court in (Key stone Relators vs Anil V. Tharthare (2020) 2 SCC 66.*
- *Ministry of Environment, Forest and Climate Change (MoEF &CC) is directed to complete the process of enquiry as early as possible at any rate within a period of four months and submit further action taken report before this Tribunal after expiry of four months has to be fixed by the Tribunal.*

9) As per the NGT orders, the MoEF &CC, New Delhi has conducted 29th EAC meeting on EIA of River Valley and Hydro Electric projects on 15.06.2022 through video conference. In the minutes of meeting, the EAC has suggested the Project Proponent to submit the proposal afresh at PARIVESH portal for Terms of Reference (ToR) under violation category.

10) In order to get the Environmental Clearance as suggested by the EAC, the I&CAD department has entrusted this work to M/s EPTRI, Hyderabad. The EPTRI has started the work and submitted the Form-1 for FFC from SRSP with expansion of Gouravelli Reservoir in PARIVESH website under category A on 02-09-2022. Due to technical problem in PARIVESH 1.0, uploading of Form 1 was delayed for 3 months.

11) However, after examination of the proposal by EAC, on 07.09.2022 Essential Details Sought (EDS) was raised stating the following.

*"As per provisions of the Gazette Notification S.O.1886 (E), Dt.20.04.2022 all the irrigation projects having culturable command area more than 2000 hectares are category B project. Irrigation projects involving Inter State issues shall be appraised at central level without change in category. General condition of EIA notification 2006 as amended shall apply. Please examine the proposal in light of the above provision and **submit the application to the appropriate authority i.e. MoEF/SEIAA**".*

12) Accordingly, the Proposals of Terms of Reference (ToR) in respect of Flood Flow Canal (FFC) Project from Sri Ram Sagar Project (SRSP) were resubmitted to State Level Environment Impact Assessment Authority (SEIAA) on 06-12-2022 through PARIVESH Portal. However due to some technical problem in creating new ID for the Project proponent in PARIVESH 2.0, uploading of Form 1 was delayed for another 3 months.

13) Subsequently, the State Expert Appraisal Committee (SEAC) in its 210 meeting of Terms of Reference (ToR) held on 3rd January 2023, approved the Terms of Reference (ToR) for Flood Flow Canal (FFC) Project from Sri Ram Sagar Project (SRSP) with expansion of Gouravelly Reservoir from 1.41 to 8.23 TMC for preparation of EIA

& EMP Report as per standard ToR of MOEF&CC of GOI vide Order No.SEIAA/TS/OL/SDPT-37/2022, Dt.15.02.2023.

- 14) As per the standard ToR the baseline data for EIA&EMP for three continues seasons has to be collected, it is to submit that till now for two continues seasons i.e., from December -2022 to February - 2023 and March -2023 to May-2023 is already collected . In respect of third season it is under process and will be completed by end of August month this year. It is also to submit that Post Project Environmental Monitoring (PPEM) for the earlier EC is being carried out from May 2022 and it is under process.
- 15) Further, it is submitted that the member secretary SEIAA was requested to accord permission to go for a public hearing with the available data, as there are no streams or diversion of streams within the project, no interstate issues, no forest land involved, no ecologically notified sensitive areas like national parks, sanctuaries or Biosphere reserve exists in the project area, no wildlife ecosystems falling in the submergence and the site has the geographical advantage for formation of the reservoir with minimal submergence of lands for the increased storage capacity with a minimum number of displacement of families and also 85% of the project was already completed.
- 16) It is further submitted that above 85 % of the project works were completed before the filing of case in the Hon'ble NGT, Chennai. However 90% of work was completed by the time the Hon'ble NGT has disposed the case. It is also submitted that Thotapally Lift Irrigation Scheme which is the source for drawing water into Gouravelly reservoir project has already been commissioned and as part of testing, trial run of pumps has been done.

- 17) The total payment towards Land Acquisition, structures and R&R entitlements were completed for Gouravelly reservoir Project and the details are as follows.

Description	1.410 TMC (Original Capacity)		8.23 TMC (enhanced Capacity)	
	Required	Acquired	Required	Acquired
Land Acquisition (in Acres)	1814-00	1814-00 (100%)	2055-00	2055-00 (100%)
Structures in No's	687	687 (100%)	124	124 (100%)
R&R PDF in No's	937	937 (100%)	185	185 (100%)

- 18) In the last monsoon season due to the stoppage of balance works and lack of maintenance for the completed part of the earth bund, rain gullies were formed at many places due to erosion of soil during heavy rains. It is to submit that if proper protection works were not taken up, earth bund may get damaged further, resulting additional financial burden to the Government. As the process of obtaining the Environmental Clearance is in progress, the Irrigation & CAD Department has taken up the protection works to safe guard the completed part of the earthen bund.
- 19) It is to submit that as the 90% of the reservoir works are completed water started getting accumulated due to runoff received from the catchment area of the reservoir resulting the raising of water levels in it. Further, the Hydro Mechanical and Hydro Electrical works of the Lift scheme works were completed and as a part of their periodical maintenance test runs are being conducted regularly, resulting pumping of water in to the reservoir, raising the water levels in the reservoir further.
- 20) It is to submit that in the ensuing monsoon season, the existing water levels may further raise due to above reasons. Hence,

villagers still residing within in the water spread area of the reservoir were evicted, as they have already received the compensation towards LA and benefits of R&R.

21) Further it is submitted that, if this 10% of balance work is completed, entire 1,20,000 acres of ayacut in the command area of the reservoir can be stabilised benefitting farmers of the 13 Mandals of drought prone areas of the Karimnagar, Siddipet, Jangaon and Warangal districts of the State of Telangana .As the Main canal and Distributory canal system is ready to serve this ayacut, farmers and public representatives of the command area demanding the Government to complete the balance works of the project at the earliest and release the water from the Gouravelly Reservoir for irrigation and drinking water needs of the people.

It is to submit that awaiting for Environmental Clearance so as to complete the balance works of the project and fulfill the aspirations of the farmers of the command area.

Date: 24.07.2023.

Place: Hyderabad


Special Chief Secretary to Govt.
Irrigation & CAD Department
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