

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

In

M.A. NO. 152/2019

IN

O.A. No.516/2015

In the Matter of: -

Rela & Anr

Applicant(s)

Vs.

State of Andhra & Ors.

Respondent(s)

Index

S. No.	Particulars	Page No.
1.	Present Status Report in compliance to Hon'ble NGT, PB order dated 14.02.2020 in the matter of M.A. No. 152/2019 In O.A. NO. 516/2015 titled as Rela & Anr. Vs. State of Andhra & Ors.	
2.	Annexure-I: A copy of Hon'ble NGT order dated 14.02.2020.	
3.	Annexure-II: The list of participants present during the online meeting.	


(Nazimuddin)

Scientist 'E'

Central Pollution Control Board

Parivesh Bhawan, East Arjun Nagar

Delhi-110032

Place: Delhi

Date: 27th July, 2020

**PRESENT STATUS REPORT IN THE MATTER OF M.A. NO. 152/2019 IN
ORIGINAL APPLICATION NO.516/2015 SUBMITTED TO HON'BLE NATIONAL
GREEN TRIBUNAL, PRINCIPAL BENCH, DELHI IN COMPLIANCE TO ORDER
DATED FEBRUARY 14, 2020**

Submitted to

Hon'ble National Green Tribunal

Principal Bench, New Delhi

July, 2020

1.0 Preamble

In the matter of M.A. No. 152/2019 in Original Application No.516/2015, Rela & Anr Vs State of Andhra & Ors, the Hon'ble National Green Tribunal (NGT), Principal Bench vide its order dated May 23, 2019 directed Central Pollution Control Board, Telangana State Pollution Control Board and and SEIAA, Telangana to jointly inspect and submit factual and action taken report. In compliance to Hon'ble NGT order dated 23.05.2019, the committee comprising of CPCB & Telangana SPCB submitted the report. Hon'ble NGT vide order dated 19.12.2019 directed the State of Telangana to take up further study. In compliance, State of Telangana/ Telangana State Mineral Development Corporation vide affidavit dated 13.02.2020 has filed following three reports in Hon'ble NGT:

- District Survey Report, Jayashankar Bhupalpally District, Telangana
- Environment Impact Assessment Study on de-siltation of Annaram Barrage.
- Environment Impact Assessment Study on de-siltation of Medigadda Barrage.

After the filing of the reports by State of Telangana, Hon'ble NGT vide order dated 14.02.2020 has directed that the reports needs to be independently evaluated.

2.0 Orders of the Hon'ble Tribunal dated 14.02.2020

“We are of the view that in view of conflicting versions, the report needs to be independently evaluated and validated. For this purpose, we constitute an Expert Committee comprising members of Expert Appraisal Committee on the subject of sand mining from MoEF&CC, nominees of CPCB, IIT Roorkee and Indian School of Mines, Dhanbad. The joint Committee may be assisted by the Telangana State PCB. The CPCB will be the nodal agency for coordination and compliance. The applicants will be free to give their view point/submissions to the CPCB within two weeks. The CPCB will provide all documents to the members of the Committee. The report may be furnished within two months by email at judicial-ngt@gov.in.” Copy of the NGT order dated 14.02.2020 is enclosed as Annexure-I.

3.0 Composition of the Committee

As directed by the Hon'ble Tribunal, the committee was constituted comprising of following members:

1. Prof. Kameshwar Rao, Expert Appraisal Member of State Environment Impact Assessment Authority, Andhra Pradesh- Member representing EAC of Ministry of Environment, Forest and Climate Change
2. Prof. V K Sinha, Adjunct Professor, Department of Mining Engineering, Indian school of Mines, Dhanbad
3. Prof. Zulfequar Ahmad, Department of Civil Engineering, IIT Roorkee
4. Smt. Mahima T, Scientist-D, Central Pollution Control Board, Regional Directorate, Bengaluru

4.0 Methodology of Study

As per Hon'ble NGT order, the scope of the committee was to independently evaluate and validate reports submitted by Govt. of Telangana to Hon'ble NGT. CPCB being the nodal agency forwarded copy of the following reports to the committee members and requested the committee to evaluate the reports:

- a. Environment Impact Assessment of Desiltation of Annaram Barrage Stretch of River Godavari Jayashankar Bhupalpally District
- b. Scientific study report on impacts of desiltation at Medigadda barrage, Jayashankar Bhupalpally district of Telangana
- c. District Survey Report of Jayashankar Bhupalpally Telangana

The members nominated from MOEFCC and IIT(ISM) Dhanbad informed to have a site visit and discussion with concerned departments before validating the above reports. Due to Covid pandemic the field visit could not be made.

5.0 Committee Meeting

The committee convened a meeting online with Telangana State Mineral Development Corporation and with agencies involved in carrying out the above study on July 21, 2020. The list of participants present during the meeting is enclosed as Annexure-II.

The committee members after studying the reports and after online discussions submit the following:

1. The above three reports submitted by TSMDC are not comprehensive in nature and the reports cannot be evaluated & validated alone and the committee requires additional information to evaluate and validate the above three reports.
2. The committee members suggested TSMDC to furnish following additional information:

- a. Design elevation-capacity curve of the reservoir of Medigadda and Annaram barages.
- b. Dredging/desiltation plan of the reservoirs to achieve desired storage capacity at pond level. Some typical baseline (prior to construction of barrage) cross-sections of the river along with proposed desilted cross-sections.
- c. Reports of the Hydrodynamic and sediment transport modelling.
- d. Extent of back water in the reservoir and estimation of annual inflow and outflow sediment load.
- e. Estimation of replenishment of sand in the reservoirs.
- f. Any morphological changes in the river due to desilting/mining activities with reference to course of the river prior to construction of the barrages
- g. whether District Survey Report is carried out in compliance with MOEFCC guidelines
- h. Whether due to desiltation & usage of heavy machinery for desiltation, is there any ecological damage i.e Impacts on vegetation, flora & fauna over a period of time before the commencement of desiltation and current status. Type & density of vegetation present in the reaches before commencement of desiltation during 2014 and gradually how it has changed. TSMDC can also compare the results with two or three reference sites in the same region where desiltation activity is not carried out and assess whether any damage has occurred or not. Socio Economic impacts on local people.
- i. Data on ground water level and quantity in the region-(in sand reaches where desiltation activity is carried out) especially w.r.t to Total dissolved solids. Further the results shall be compared with BIS drinking water standards and inference of the results shall be given.
- j. Data on ground water incision and bed & bank cutting due to desiltation
- k. Measures taken by TSMDC for restoration of damages if any after desiltation
- l. GPS files for the two barrages showing individual stretches of desiltation with their geocoordinates;

- m. A copy of the Kaleswaram project Prior Environmental Clearance along with its EMP, as the areas shown could have been covered under the project and what was the EC conditions;
 - n. Approved mining scheme and the methods for the stretches of each barrage.
3. TSMDC has sought one month time upto August 31, 2020 for furnishing the additional information.
 4. After furnishing of additional information, the committee shall again convene a meeting, review the documents and then submit the comments and observations to Hon'ble NGT.

6.0 **Prayer for seeking extension of time**

The committee requires additional information for evaluating & validating the three reports submitted by Telangana State Mineral Development Corporation to Hon'ble NGT on 13.02.2020 namely (a) Environment Impact Assessment of Desiltation of Annaram Barrage, (b) Scientific study report on impacts of desiltation at Medigadda barrage and (c) District Survey Report of Jayashankar Bhupalpally Telangana. TSMDC has sought time upto August 31, 2020 for furnishing additional information. In view of this, it is kindly requested that Hon'ble NGT for granting three months time for submitting the final evaluation and validation report.

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 152/2019
IN
Original Application No. 516/2015

RELA &Anr.

Applicant(s)

Versus

State of Andhra &Ors.

Respondent(s)

Date of hearing: 14.02.2020

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Applicant(s):

Mr.Sravan Kumar, Advocate

For Respondent(s):

Mr. A. Sanjeev Kumar, Spl GP
Mr.DhananjayBaijal, Advocate for TSPCB
Mr. Rajkumar, Advocate for CPCB
Mr. Kumar Rajesh Singh, Advocate for
MoEF&CC

ORDER

1. This order is being passed in continuation of order dated 23.05.2019. Prayer in this application is against mechanical sand mining, de-siltation, dredging in Godavari and Krishna river beds and its tributaries without obtaining environment clearance from the MoEF&CC and the SEIAA and without conducting statutory EIA.

2. The applicants submitted that a joint inspection report furnished by the CPCB clearly found that in the name of de-siltation, sand mining was being done without mandatory environmental clearance, to provide free sand to the construction companies. Sand mining was said to be taking place at various places, including in District Guntur, Andhra Pradesh, as reported in the Deccan Chronicle newspaper dated 18.02.2017. In the State of Telangana, sand was being mined illegally from Godavari and Krishna Rivers. The same was being booked online at the rate of Rs. 9,000/- per truck. In Hyderabad, it was sold at the rate of Rs. 45,000/- per truck. The State of Telangana was allotting such sand to private contractors for diverting the same to sand *mafia*. Transportation was resulting in accidents and air pollution.
3. On consideration of the matter, vide order dated 23.05.2019, this Tribunal directed a factual and action taken report to be submitted by a joint Committee comprising of the Central Pollution Control Board (CPCB), Telangana State Pollution Control Board and SEIAA, Telangana.
4. In view of the above, a joint inspection report was filed by the CPCB on 12.07.2019. The report *inter-alia* is as follows:

“Sand mining areas

28 sand reaches of total area 1400 hectares have been identified for de-siltation in Godavari River in a length of around 39 km in Jayashankar Bhupalpally District, comprising 20 sand reaches in the submergence area of Medigadda barrage and 8 sand reaches in the submergence area of Annaram barrage. These barrages are located in the border area of Telangana and Maharashtra. Out of these, 26 reaches are in operation and remaining 02 are not in operation. 7 reaches are reported on patta land.

No sand extraction is being carried River Krishna in Telangana.

Procedure followed

The procedure followed for identification and execution of de siltation projects in Telangana is explained in Section IV of the report. Identification of reaches for de-siltation and initial approval is given by Irrigation Department, further approval is given by District Level Sand Committee, and excavation, storage and sale of sand is done by TSMDC through contractors. The government has notified the stockyard price of sand as Rs. 600 per cubic meter.

Pre-assessment of available sand quantity and sand thickness

The assessment of sand was done by the joint team of DLSC during November/December 2016. As per the report, the sand available in submergence of Medigadda barrage is 4,18,80,000 CBM in ten villages, out of which 15,35,000 CBM is proposed to be used for Medigadda barrage and pump house at Kannepally, and the remaining 4,03,45,000 CBM was recommended to be allocated to TSMDC. The sand availability at submergence of Annaram barrage is estimated as 1,26,00,000 CBM in two villages and the same was recommended for allocation to TSMDC. Government of Telangana handed over the sand bearing areas in the submergence area under Medigadda and Annaram barrages to TSMDC vide proceedings dated 16.12.2016 of District Collector & Magistrate.

TSMDC has fixed the boundary of each sand reach by geo-coordinates but the boundaries are not demarcated on the ground.

TSMDC initiated the excavation of sand before work orders were issued and the quantity of sand sold during that period (13.02.2015 to March, 2017) was 3,82,186.00 CBM. Online sand records are available from 13.02.2015 and the total quantity of sand sold as on 14.06.2019 is 3,35,43,639 CBM.

In the sand assessment report the sand thickness is mentioned as 2 to 3 metre for submergence areas of Medigadda barrage but a depth of 3 metre was taken into consideration to estimate the sand availability in the submergence areas of Medigadda. Similarly, the sand thickness is mentioned as 1.5 to 3 metre for submergence areas of Annaram barrage but a depth of 3 metres has been taken into consideration to estimate the sand availability as well as for excavation.

Godavari River is having a thickness of about 2 to 3 meter. In spite of this, the thickness of sand permitted for extraction is

3m and in few reaches sand extraction up to a depth of 4m is permitted.

There is no scientific mechanism for monitoring the depth and area of sand excavation.

Other observations

In all the sand reaches it was observed that water is accumulated in the pits wherever extraction is taking place.

The historical satellite images reveal that some vegetation cover is lost in certain reaches because of Patta lands coming under submergence due to construction of barrages and sand extraction is extensively taking place in the reaches.

Approximately four thousands of vehicles are plying per day in these sand reaches of JayashankarBhupalpally district for transportation of sand. In certain places, it was observed that the vehicles were plying through the villages and no pucca roads were developed.

Weigh bridges are not existing in all the sand reaches and 16 weigh bridges are empanelled with M's TSMDC and the vehicles are weighed in these weighbridges.

Recommendation in the joint report related to above points

If DSR is properly prepared it could give the total sand reserve available in a district. Further with the help of a scientific replenishment study the data on the amount of sand resource that can be extracted in the district without harming the balance of sand deposition in rivers can be derived.

The project proponent may devise scientific monitoring mechanism to carry out the sand extraction within the permitted boundaries and depth.

TSMDC may establish an Absolute Elevation below which no extraction may occur. The absolute elevation below which no extraction/ mining could occur or "redline" would be surveyed on a site-specific basis in order to avoid impacts to structures such as bridges and to avoid vegetation impacts associated with down-cutting due to excessive removal of sediment.

There is a scope for improvement and recommended to relook into the State Policy and improve as per the MoEF& CC Sustainable Sand Mining Guidelines of 2016."

5. Since the above report did not give a complete picture, this Tribunal directed further study vide order dated 19.12.2019.
6. In view of above order, the State of Telangana has filed an affidavit on 13.02.2020 stating as follows:

“ xxxxxxxxx

The Government of Telangana has got studied De-siltation Impact on the Environment at Medigadda and Annaram Barrages of JayashankarBhupalpally District.

Further submitted that the Government of Telangana also prepared District Survey Report in JayashankarBhupalpally District, and any further sand excavation in the district will be carried out in terms of District Survey Report and Impact Assessment Study on the de-siltation report of JayashankarBhupalpally District. And following reports submitting for kind perusal of Hon'ble National Green Tribunal, New Delhi.

1. District Survey Report, JayashankarBhupalpally District
2. Environment Impact Assessment Study on de-siltation of Annaram Barrage.
3. Environment Impact Assessment Study on de-siltation of Medigadda Barrage.

It is further submitted that the State of Telangana any further de-siltation of reservoirs will be taken up after carrying out the Impact Assessment Study on the environment and by following the mitigation measures mentioned in the Impact Assessment Study and District Survey Report. It is further submitted that District Survey Reports in other districts was also taken up and reports will be ready by this month end.”

7. The above reports need to be independently evaluated and validated in view of conflicting versions. For this purpose, we constitute an Expert Committee comprising Members of Expert Appraisal Committee (EAC) on the subject of the MoEF&CC, nominees of the CPCB, IIT Roorkee, and the Indian School of Mines, Dhanbad. The nodal agency will be the CPCB for

coordination and compliance. The Committee will be entitled to seek assistance from any other expert or agency. The State PCB may also render such assistance as may be sought. The applicants will be free to give their view point/submissions to the CPCB within two weeks. The CPCB will provide all documents to the members of the Committee.

8. A copy of this order be sent to MoEF&CC, CPCB, IIT Roorkee, the Indian School of Mines, Dhanbad and the State PCB by e-mail for compliance. The report may be furnished within two months by e-mail at judicial-ngt@gov.in.
9. On submission of the report, this Tribunal will consider the course of action to be adopted in the matter.

List for further consideration of the report on 13.05.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr.Nagin Nanda, EM

Siddhanta Das, EM

February 14, 2020
M.A. No. 152/2019
In Original Application No. 516/2015
AK

Online Meeting for discussion on MA 152/2019 in OA 516/2015 in compliance to Hon'ble
NGT Order 14.02.2020

List of Members who attended the meeting



Discussion on MA 152 of 2019 in OA 516 of 2015 on ...

21 July 2020

-  Meeting ended 0 sec Tuesday 10:11
-  Meeting ended 0 sec Tuesday 10:12
-  Meeting started Tuesday 10:15
-  Dr. K. Kameswara Rao (Guest) joined the meeting.
-  TSMDC (Guest) joined the meeting.
-  rajender reddy (Guest) joined the meeting.
-  Deepti GM(IT) (Guest) joined the meeting.
-  E. Shyam Sundar (Guest) joined the meeting.
-  Dr G Malsur (Guest) joined the meeting.
-  Z Ahmad (Guest) joined the meeting.
-  TSMDC (Guest) left the conversation.
-  Dr G Malsur (Guest) left the conversation.
-  Dr MM (Guest) joined the meeting.
-  Dr G Malsur (Guest) joined the meeting.
-  PVRaju (Guest) joined the meeting.
-  Z Ahmad (Guest) joined the meeting.

-  PVRaju (Guest) joined the meeting.
-  PVRaju (Guest) left the conversation.
-  PVRaju (Guest) left the conversation.
-  V K Sinha (Guest) joined the meeting.
-  PVRaju (Guest) joined the meeting.
-  Dr G Malsur (Guest) left the conversation.
-  Dr G Malsur (Guest) joined the meeting.
-  V K Sinha (Guest) left the conversation.
-  V K Sinha (Guest) joined the meeting.
-  Deepti GM(IT) (Guest) left the conversation.
-  Deepti GM(IT) (Guest) joined the meeting.
-  rajender reddy (Guest) left the conversation.
-  rajender reddy (Guest) joined the meeting.
-  Dr G Malsur (Guest) left the conversation.
-  Dr G Malsur (Guest) joined the meeting.
-  Deepti GM(IT) (Guest) left the conversation.
-  Z Ahmad (Guest) left the conversation.
-  Dr G Malsur (Guest) left the conversation.
-  E. Shyam Sundar (Guest) left the conversation.
-  Dr. K. Kameswara Rao (Guest) left the conversation.
-  V K Sinha (Guest) left the conversation.
-  Meeting ended 2 hr 29 min 12:44