

Before The Hon'ble National Green Tribunal

Principal Bench, New Delhi

I.A. No. 133 of 2021

In

O.A. No. 857 of 2018

(Earlier O.A No. 125/2017 (SZ))

In the matter of: -

Dr. Pentapati Pullarao

.....Applicant

Versus

Union of India & Ors.

.....Respondent(s)

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(A. Sudhakar)

Scientist 'E'

Central Pollution Control Board

Parivesh Bhawan

East Arjun Nagar

Place:- Delhi

Dated:- 31.08.2021

Before The Hon'ble National Green Tribunal

Principal Bench, New Delhi

I.A. No. 133 of 2021

In

O.A. No. 857 of 2018

(Earlier O.A No. 125/2017 (SZ))

In the matter of: -

Dr. Pentapati Pullarao

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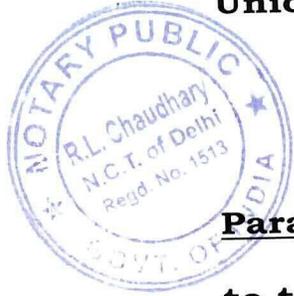
Versus

Union of India & Ors.

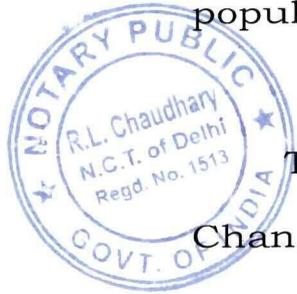
.....Respondent(s)

**Para-wise Reply on behalf of, Central Pollution Control Board
to the I.A. filed by the applicant.**

1. That in reply to the averment contained in Para- 1 of the application under reply, Central Pollution Control Board (herein after referred as CPCB) submits that M/s. Indira Sagar (Polavaram) Multipurpose Project is an Irrigation Project located in West Godavari District, Andhra Pradesh obtained Environmental Clearance on 25.10.2005 and modified in 09.03.2009. The Andhra Pradesh Pollution Control Board (herein after referred as APPCB) issued Consent To Establish (herein after referred as CTE) to the said Project on 18.10.2005. The salient features of the of the project are Full Reservoir Level (FRL) is +45.72mts, Reservoir Live Storage Capacity -75.20



TMC & Gross Storage Capacity – 194.6 TMC; Left & Right main canals with length of 181.50km & 174.0km; Electricity 960 MW; Diversion of 80 TMC River Godavari Water to Krishna River; 23.44 TMC of water diverted for drinking purpose to Vizag city, industries and enroute 540 villages covering 25 Lakh population and development of Pisciculture and Tourism.



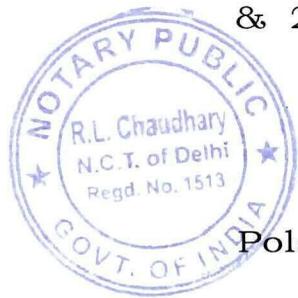
That the Ministry of Environment, Forest and Climate Change (herein after referred as MoEF&CC), Government of India has been involved in the interstate issues of the Project with Andhra Pradesh, Orissa and Chhattisgarh and issued Stop Work Order in February' 2011 to the Polavaram Project Authority and subsequently issued Abeyance Orders from time to time. It is humbly submitted that the Project Authorities informed that cofferdam construction is the general practice in irrigation projects. In case of Polavaram Irrigation Project, the submergence of upstream villages during the monsoon season and due to cofferdam, will be attended by the Revenue Department and by the Polavaram Project Authorities (PPA). Further informed that the total land required for the project is 46,060 hectares comprising 3279.0 hectares of Forest land to meet the FRL capacity and proposed R&R accordingly for upstream villages.

It is further submitted that the applicant filed I.A. No. 494 of 2019 in O.A. No 857 of 2019 on 21.08.2019 with a prayer to

the Hon'ble Tribunal to pass order for directing the MoEF&CC to take action on the violations of Environment Clearance in execution of Polavaram Project, to declare the dumping area as Eco Sensitive Zone and not to permit reduction of Eco Sensitive Zone and to conduct study on the damage caused to the Habitation, Forest, Environment due to construction of Coffer Dam on the upstream of Polavaram Project.

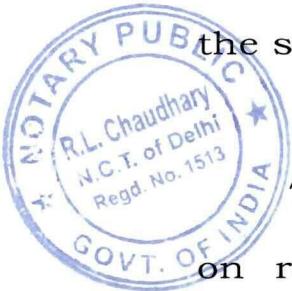
That prior to filing of I.A. No. 494, the Hon'ble NGT has constituted four member joint Committee with respondents, to address the grievances raised by the petitioner in O.A. No. 857 of 2018, comprising of representatives of CPCB, MoEF&CC, SPCB and the District Collector of West Godavari.

The four member joint Committee inspected the project site and it's surrounding as per the allegations made in applications on 11.12.2018, 25.04.2019, 24.07.2019, 22.01.2020 and submitted its report on 19.12.2018, 29.04.2019, 30.07.2019 & 29.01.2020 & 08.01.2021.



Further, the four member joint Committee inspected the Polavaram Project on 22.01.2020, in connection with the Orders of Hon'ble NGT dated 07.11.2019 issued in M.A.No1624/2018 & I.A.No.494/2019 and filed report on 29.01.2020. The Hon'ble NGT issued Orders on 20.02.2020 and subsequently on 23.02.2021.

It is submitted that the Hon'ble NGT has heard the main contentions of the learned counsel of parties, vide order dated 23.02.2021, on expanding the project in 2016 where the further land was acquired and adverse impacts of Cofferdams on upstream areas and huge dumping of muck has taken place without proper Environment Management Plan. Thereafter, the Hon'ble Tribunal has constituted six member Committee with Experts and headed by former Judge. The Six member Committee was mandated with certain responsibilities as per the said order dated 23.02.2021.



The Project Authority has furnished compliance fortnightly on recommendations of four member joint Committee. The Board's External Advisory Committee directions were issued to Polavaram Irrigation Project on 08.01.2021. The Project Authority has applied for consent of the Board on 27.04.2021 for four stone crushers and the Board directed to upgrade the Air Pollution Control equipment for issue of Consent on 18.05.2021.

2. That in reply to the averments contained in Para- 2, it is respectfully submitted that the submissions of the answering respondent has already mentioned above in Para-1.
3. That in reply to the averments contained in Para- 3, the answering respondent submits that the submergence of

upstream villages during the monsoon season and due to cofferdam, will be attended by the Revenue Department and by the Polavaram Project Authorities (PPA). Further informed that the total land required for the project is 46,060 hectares comprising 3279.0 hectares of Forest land and proposed R&R accordingly for upstream villages.

4. That the averments contained in Para- 4, the answering respondent requires no comment.

5. That in reply to the averments contained in Para- 5, the answering respondent requires no comment.

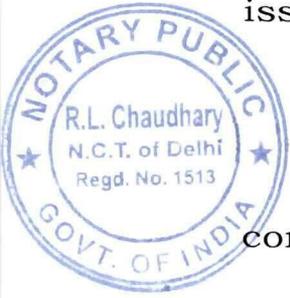
6. That in reply to the averments contained in Para- 6, the answering respondent requires no comment.

7. That in reply to the averments contained in Para- 7, the answering respondent submits that it is true that the Hon'ble Tribunal has constituted four member joint Committee with respondents, to address the grievances raised by the petitioner in O.A. No. 857 of 2018, comprising of representatives of CPCB, MoEF&CC, SPCB and the District Collector of West Godavari.

That the four member joint Committee inspected the project site and its surrounding as per the allegations made in applications on 11.12.2018, 25.04.2019, 24.07.2019, 22.01.2020 and submitted its report on 19.12.2018,

29.04.2019, 30.07.2019 & 29.01.2020 & 08.01.2021.

The four member joint Committee inspected the Polavaram Project on 22.01.2020, in connection with the Orders of Hon'ble NGT dated 07.11.2019 issued in M.A. No. 1624/2018 & I.A. No. 494/2019 and filed report on 29.01.2020. The Hon'ble NGT issued Orders on 20.02.2020 and after 23.02.2021.

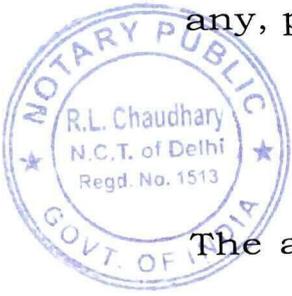


It is submitted that the Hon'ble NGT has heard the main contentions of the learned counsel of parties, vide order dated 23.02.2021, on expanding the project in 2016 where the further land was acquired and adverse impacts of Cofferdams on upstream areas and huge dumping of muck has taken place without proper Environment Management Plan. Thereafter, the Hon'ble NGT has constituted six member Committee with Experts and headed by former Judge. The six member Committee was mandated with certain responsibilities as per the said order.

8. That in reply to the averments contained in Para- 8, the answering respondent requires no comments.
9. That in reply to the averments contained in Para- 9, the answering respondent submits that the MoEF&CC, GOI has been involved in the interstate issues of the Project with Andhra Pradesh, Orissa and Chhattisgarh and issued Stop Work Order in February' 2011 to the Polavaram Project Authority and

subsequently issued Abeyance Orders from time to time.

10. That in reply to the averments contained in Para- 10, the answering respondent requires no comments.
11. That in reply to the averments contained in Para- 11, the answering respondent requires no comments. Issues such as compensation for loss caused to the effected persons on the upstream of Cofferdam of Polavaram Project does not fall under the purview of the answering respondent. However, the answering respondent shall abide by any order or directions, if any, passed by this Hon'ble Tribunal.



PRAYER

The answering respondent in view of the above submissions, it is hereby humbly prayed that the reply may kindly be taken on record.

The answering respondent is abide by the orders of the Hon'ble Tribunal in the interest of Justice or pass any other further order as this Hon'ble Tribunal may deems fit and proper.


(A. Sudhakar)

ए. सुधाकर / A. Sudhakar
वैज्ञानिक "ई" / Scientist "E"
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o. Env't. Forest & Climate Change, Govt. of India
परिवेश भवन, पूर्वी अर्जुन नगर
Parivesh Bhawan, East Arjun Nagar
Delhi-110032

Before The Hon'ble National Green Tribunal

Principal Bench, New Delhi

I.A. No. 133 of 2021

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In the matter of: -

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.....Applicant

Versus

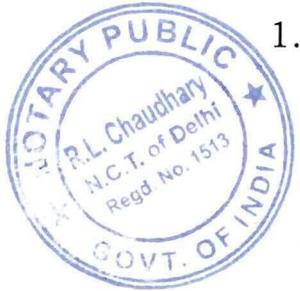
Union of India & Ors.

.....Respondent(s)

AFFIDAVIT

I, A. Sudhakar, S/o Late Shri A. Venkateswarlu, Scientist-E, Central Pollution Control Board, Parivesh Bhawan, Karkardooma, New Delhi, aged about 58 Years, do hereby solemnly affirm and state are under:

1. That I am Scientist 'E' in the Central Pollution Control Board and well conversant with the facts and circumstances of this case and competent to swear this affidavit.
2. That the contents of the reply to the I.A. are true and correct on the basis of the record maintained by the CPCB during its ordinary course of business and in discharge of its obligations under the law.



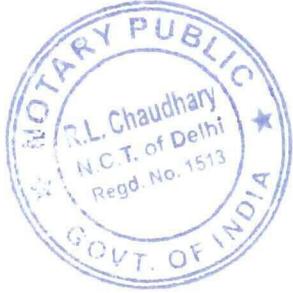


DEPONENT

ए. सुधाकर / A. Sudhakar
वैज्ञानिक "ई" / Scientist "E"
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o. Env't. Forest & Climate Change, Govt. of India
परिवेश भवन, पूर्वी अर्जुन नगर
Parivesh Bhawan, East Arjun Nagar

VERIFICATION:

Verified at New Delhi on the...31...day of August, 2021, that the contents of the above affidavit are true and correct on the basis of the record maintained by the CPCB during in its ordinary course of business and in discharge of its obligations under the law and nothing material has been concealed therefrom or mis-stated.



A handwritten signature in blue ink, appearing to be "A. Sudhakar".

DEPONENT
ए. सुधाकर / A. Sudhakar
वैज्ञानिक "ई" / Scientist "E"
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o. Env't. Forest & Climate Change, Govt. of India
परिवेश भवन, पूर्वी अर्जुन नगर
Parivesh Bhawan, East Arjun Nagar
दिल्ली-110032

ATTESTED
A handwritten signature in blue ink, appearing to be the signature of the Notary Public.
NOTARY PUBLIC
GOVT. OF INDIA
31 AUG 2021

Item Nos. 01 to 04

(Court No.1)

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

(By Video Conferencing)

Original Application No. 175/2018
(Earlier O.A. No. 125/2017 (SZ))

Jammula Choudharaiah & Anr.

Applicant

Versus

Union of India & Ors.

Respondent(s)

WITH

Original Application No. 350/2018

Madicharla Satyanarayana & Anr.

Applicant

Versus

Union of India & Ors.

Respondent(s)

WITH

Review Application No. 46/2019
IN

Original Application No. 48/2019

Vatti Vasanth Kumar

Review Applicant

Versus

Union of India & Ors.

Respondent(s)

WITH

Original Application No. 857/2018
(I.A. No. 133/2021)

Dr. Pentapati Pulla Rao

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 09.08.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Sravan Kumar, Advocate

Respondent(s): Mr. R. Venkataramani, Senior Advocate with Mr. Mahfooz A. Nazki, Advocate for the State of Andhra Pradesh
Mr. TVS Raghavendra Sreyas, Advocate for APPCB
Mr. Raj Kumar, Advocate for CPCB in OA 857/2018
Mr. Aman Bhalla, Advocate for CPCB in R.A 46/2019
Mr. Kumar Rajesh Singh, Advocate for MoEF & CC in OA 857/2018

ORDER

We have heard learned counsel for the parties and considered all the reports filed by the joint Committees.

Hearing concluded. Order reserved. Written submission, if any, be filed within two weeks from today.

Order will be uploaded on the website on or before 30.09.2021.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

August 09, 2021
O.A. No. 175/2018 & other connected matters
A