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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
M.A No. 101 of 2024**

In

Original Application No 175 of 2018

IN THE MATTER OF:

Shri Jammula Choudharaiah

Applicant

Versus

Union of India and ors.

Respondent(s)

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**RAJ KUMAR
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Date: -10.02.2025

Place: Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

M.A No. 101 of 2024

In

Original Application No 175 of 2018

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Shri Jammula Choudharaiah

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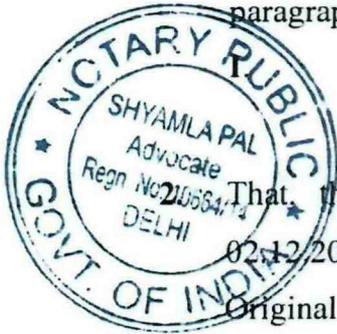
Versus

Union of India and ors.

Respondent(s)

REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD
(CPCB) IN COMPLIANCE TO THE ORDER DATED 20.10.2024 IN M.A
NO. 101 OF 2024 IN OA NO 175 OF 2018

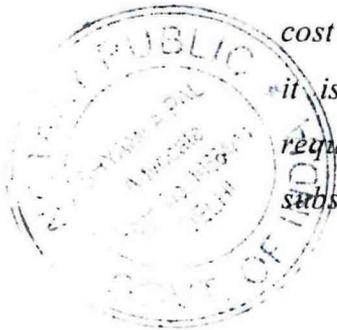
1. That, Hon'ble NGT (PB) vide order dated 22.10.2024 has directed CPCB to file the compliance affidavit in terms of the directions contained in the order dated 02.12.2021 passed in OA No. 175 of 2018 before the Principal Bench of the Tribunal. Thereby, the compliance affidavit is made in succeeding paragraphs. The copy of the order dated 22.10.2024 is placed at **Annexure-**



That, the Hon'ble NGT (PB), New Delhi, by the Judgement dated 02.12.2021, disposed four cases Original Application No. 175 /2018, Original Application No. 350/2018, Review Application No. 46/2019 in Original Application No. 48/2019 and Original Application No. 857/2018 (I.A No. 133/2021) related to five irrigation projects in Andhra Pradesh namely, Purushothapatnam Lift Irrigation Scheme (LIS), Pattiseema Lift Irrigation Scheme, Chintalapudi Lift Irrigation Scheme, Krishna Godavari

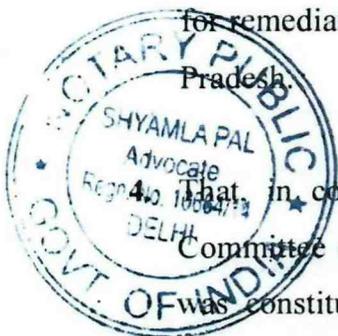
Penna River Linking Project, and Polavaram/Indira Sagar Multipurpose Irrigation Project and Hon'ble NGT directed the following,

- i. *“Project Proponent of Purushothapatnam LIS shall pay Environmental Compensation of Rs. 24.5622 Crores i.e. 24.56 Crores (1.5% of project cost i.e. Rs. 1637.48 Crores).*
- ii. *Project Proponents of Pattiseema LIS shall pay Environmental Compensation of Rs. 24.9 Crores (1.5% of project cost i.e. Rs. 1660 Crores).*
- iii. *Project Proponents of Chintalapudi LIS shall pay Rs. 73.635 Crores i.e. 73.6 Crores (1.5% of 4909 Crores) as Environmental Compensation. This project is in process and it is said that 50% of the work has already been completed. Here, project cost approved in 2016 was Rs. 4909.80 Crores, hence we have taken above cost of project instead of considering present cost.*
- iv. *Project Proponents of Polavaram/Indira Sagar MIP shall pay Environmental Compensation of Rs. 120.075 Crores i.e. 120 Crores (0.75% of Rs. 16010 Crores). Here the project cost of Rs. 16010 Crores was shown as per 2010-2011. Since it is an ongoing project and there was compliance of requirement of EC etc. hence, we have not gone with subsequent increase of project cost.*



- v. *The above amount of Environmental Compensation shall be paid by concerned PPs within 3 months with APPCB. The said amount shall be utilised for remediation/restoration of environment under guidance and supervision of an Oversight Committee comprising MoEF&CC, CPCB and APPCB. The nodal agency shall be APPCB and CPCB. Aforesaid Committee shall be constituted within one month from the date of the judgment. Plan for remediation shall be prepared by APPCB in consultation with department of Forest, State of Andhra Pradesh within two months and shall be executed within next six months. It will be open to above Authorities/Committee(s) to consult any Expert in the respective field and/or to include in the Committee to give effect to the above directions."*

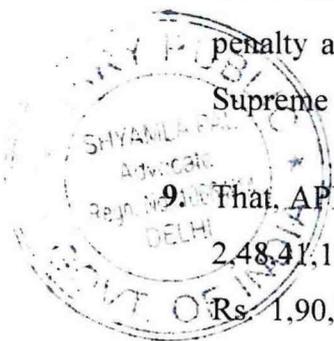
3. That, as per the order dated 02.12.2021, the Hon'ble NGT (PB) directed the concerned project proponents to deposit the Environmental Compensation with the APPCB within 3 months. The APPCB was directed to prepare plan for remediation in consultation with Department of Forest, State of Andhra Pradesh.



- That, in compliance to the directions in the Judgement, an Oversight Committee comprising representatives of MoEF&CC, CPCB and APPCB was constituted by APPCB and introductory meeting was convened on 11.03.2022. The objective of the Oversight Committee is to provide guidance and supervision of utilization of EC amount for remediation/restoration of environment.

5. That, CPCB has not received any further communication from APPCB regarding deposition of Environmental Compensation by project proponents or preparation of the plan of remediation.

6. That, CPCB through letter dated 19.12.2024 requested APPCB to furnish the status of Environmental Compensation deposited by Project Proponents with APPCB and status of plan for remediation/restoration of environment prepared by APPCB. The CPCB also requested APPCB to convene a meeting of the Oversight Committee. The copy of letter dated 19.12.2024 is placed at **Annexure II**.
7. That, the meeting of the Oversight Committee was convened by APPCB on 01.02.2025. The minutes of the meeting of the Oversight Committee held on 01.02.2025 is enclosed at **Annexure III**.
8. That, during the Oversight Committee meeting held on 01.02.2025, APPCB informed that the State of Andhra Pradesh (Water Resources Department (Irrigation), Government of Andhra Pradesh, Vijayawada) filed Civil Appeal No. 3792-3793/2022 before the Hon'ble Supreme Court against the Hon'ble NGT order dated 02.12.2021. The Hon'ble Supreme court in its order dated 17.10.2022 directed the appellant to deposit the compensation penalty amount as computed by the committee. The copy of the Hon'ble Supreme Court order dated 17.10.2022 is enclosed as **Annexure IV**.
9. That, APPCB informed that the Water Resources Department deposited Rs. 2,48,41,155/- (in respect of Purushottapatnam Lift Irrigation Scheme) and Rs. 1,90,85,838/- (in respect of Pattiseema Lift Irrigation Scheme) with APPCB towards environmental compensation. The total amount deposited with APPCB is Rs. 4,39,26,993/-.
10. That, APPCB informed during meeting that remediation plan is yet to be prepared. The APPCB informed that the Principal Chief Conservator of Forests, Head of Forest Force of the Forest Department, Andhra Pradesh was requested vide letter dated 22.02.2022, 31.03.2023 and reminder on



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A No. 101 of 2024

In

Original Application No 175 of 2018

IN THE MATTER OF:

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Versus

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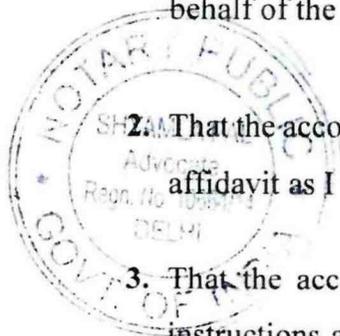
AFFIDAVIT

I, **Amit Thakkar**, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Answering Respondent in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the



10.08.2023 requesting to prepare the remediation plan and send draft remediation plan in 15 days to take further action.

11. That, the APPCB again requested the Principal Chief Conservator of Forests Head of Forest Force of the Forest Department, Andhra Pradesh vide letter dated 19.01.2025 for preparation of plan for remediation / restoration of environment for utilizing the environmental compensation amount paid by the Water Resources Department.
12. That, as the plan for remediation is yet to be prepared by the APPCB in consultation with Department of Forest, State of Andhra Pradesh, the Oversight Committee during meeting suggested APPCB to prepare of plan of action for remediation/ restoration of environment in the irrigation projects as directed in the Hon'ble NGT and to furnish the action plan to the Oversight Committee for further action in compliance of Hon'ble NGT order.
13. That, in light of the above submission, it is respectfully submitted that CPCB shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant OA and render justice.




(Amit Thakkar)

Scientist 'E'

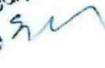
Central Pollution Control Board

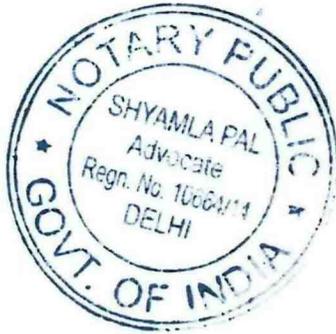
same are read over and explained to me and are not repeated herein for the sake of brevity.


DEPONENT
 अमित आर. ठक्कर / Amit R. Thakkar
 वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (M/o Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

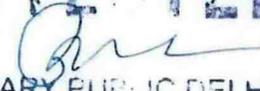
VERIFICATION

Verified at New Delhi on this day 11 0 FEB 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Identify the Deponent who has signed/put thumb impression in my presence 



ATTESTED


 NOTARY PUBLIC DELHI
 GOVT. INDIA


DEPONENT

अमित आर. ठक्कर / Amit R. Thakkar
 वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (M/o Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

11 0 FEB 2025

Item No.16

Court No. 1

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

M.A. No. 101/2024

In

Original Application No.175/2018

Shri Jammula Choudharaiah

Applicant

Versus

UOI & Ors.

Respondent(s)

Date of hearing: 22.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: None appeared

Respondent: None appeared

ORDER

1. Tribunal had disposed of the OA No. 175 of 2018 with the connected OA by issuing following directions:-

“

(i) *Project Proponent of Purushothapatnam LIS shall pay Environmental Compensation of Rs. 24.5622 Crores i.e. 24.56 Crores (1.5% of project cost i.e. Rs. 1637.48 Crores).*

(ii) *Project Proponents of Pattiseema LIS shall pay Environmental Compensation of Rs. 24.9 Crores (1.5% of project cost i.e. Rs. 1660 Crores).*

(iii) *Project Proponents of Chintalapudi LIS shall pay Rs. 73.635 Crores i.e. 73.6 Crores (1.5% of 4909 Crores) as Environmental Compensation. This project is in process and it is said that 50% of the work has already been completed. Here, project cost approved in 2016 was Rs. 4909.80 Crores, hence we have taken above cost of project instead of considering present cost.*

(iv) *Project Proponents of Polavaram/Indira Sagar MIP shall pay Environmental Compensation of Rs. 120.075 Crores i.e. 120 Crores (0.75% of Rs.16010 Crores). Here the project cost of Rs.*

16010 Crores was shown as per 2010-2011. Since it is an ongoing project and there was compliance of requirement of EC etc. hence, we have not gone with subsequent increase of project cost.

- (v) The above amount of Environmental Compensation shall be paid by concerned PPs within 3 months with APPCB. The said amount shall be utilised for remediation/restoration of environment under guidance and supervision of an Oversight Committee comprising MoEF&CC, CPCB and APPCB. The nodal agency shall be APPCB and CPCB. Aforesaid Committee shall be constituted within one month from the date of the judgment. Plan for remediation shall be prepared by APPCB in consultation with department of Forest, State of Andhra Pradesh within two months and shall be executed within next six months. It will be open to above Authorities/Committee(s) to consult any Expert in the respective field and/or to include in the Committee to give effect to the above directions.*
- (vi) MoEF&CC shall constitute a specialised Committee to determine appropriate methodology for assessment of Environmental Compensation for loss/damage/degradation to environment, considering all relevant aspects of the matter including observations made here in above and the principles suggested. The said methodology shall be given statutory status by taking appropriate action by MoEF&CC so that the element of subjectivity in the matter of determination of Environmental Compensation may be eliminated or at least negated and a uniform approach is observed by Statutory Regulators in discharge of their statutory duties.*
- (vii) KGPR Linking Project shall not be executed/commenced unless statutory clearances/consents/permissions are obtained under relevant environmental and other laws from Competent Statutory Authorities.*
- (viii) Chintalapudi LIS may continue its activities but within 3 months Project Proponents shall obtain all statutory clearance/consent/NOC failing which further construction activities shall be stopped till such compliance.*
- (ix) A compliance report shall be submitted by MoEF&CC and CPCB after one year (by 31.12.2022) in the Registry of this Tribunal.”*

2. In pursuance to the above directions, compliance report was required to be submitted by MoEF &CC and CPCB.

3. No compliance report has been filed by the CPCB till now.

4. Present MA(101/2024) has been registered on the basis of the partial compliance affidavit filed by MoEF&CC dated 19.10.2023. Said affidavit states that in pursuance to the order of the Tribunal, MoEF&CC has constituted an expert committee to determine the appropriate methodology for assessment of environmental compensation for losses/damage/degradation to the environment. Since, it is only a partial compliance affidavit, therefore, MoEF&CC is required to file affidavit reflecting compliance of all the directions which are contained in the order dated 02.12.2021.

5. Issue notice to the MoEF&CC and CPCB for filing the compliance affidavit in terms of the directions contained in the order dated 02.12.2021 passed in OA No. 175/2018. Let same be filed at least one week before the next date of hearing. The applicant is directed to serve the respondents and file an affidavit of service atleast one week before the next date of hearing.

6. List on 11.02.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 22, 2024
M.A. No. 101/2024
JG..



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केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

F. No. CM-13011/1/2024-TECH-RD-CHENNAI-RD (Chennai)/871

December 19, 2024

To

The Member Secretary
Andhra Pradesh Pollution Control Board
D.No. 33-26-14 D/2, Near Sunrise Hospital
Pushpa Hotel Centre, Chalamalavari Street
Kasturibaipet, Vijayawada – 520 010

Sub: Information of Environmental Compensation deposited by PPs with APPCB and status of plan for remediation/restoration of environment in compliance to the Hon'ble NGT order in the matter OA. 175/2018

Ref: 1. Hon'ble NGT order dated August 9, 2021 in the matter OA. 175/2018
2. Hon'ble NGT order dated October 10, 2024 in the matter of MA in 101/2024 in OA. 175/2018

Sir,

This has reference to the above orders issued by the Hon'ble NGT in OA No. 175 of 2018, wherein Hon'ble NGT had directed Project Proponent of Purushothapatnam LIS, Pattiseema LIS, Chintalapudi LIS and Polavaram/Indira Sagar MIP projects to pay Environmental Compensation to APPCB within 3 months, i.e before March 2nd, 2021.

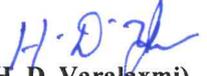
The Hon'ble NGT also directed the following in the order:

1. The said amount shall be utilised for remediation/restoration of environment under guidance and supervision of an Oversight Committee comprising MoEF&CC, CPCB and APPCB.
2. The nodal agency shall be APPCB and CPCB. Aforesaid Committee shall be constituted within one month from the date of the judgment.
3. Plan for remediation shall be prepared by APPCB in consultation with department of Forest, State of Andhra Pradesh within two months and shall be executed within next six months.
4. It will be open to above Authorities/Committee(s) to consult any Expert in the respective field and/or to include in the Committee to give effect to the above directions.

In compliance of above said order, CPCB nominated officer to participate as committee member vide letter No. dated 12/01/2022, and also attended the one meeting of Oversight Committee through VC on 11/03/2022, after that no Oversight committee meetings are convened. In view of the above, it is kindly requested to submit the following details and convene the oversight committee meeting at the earliest to review the status of progress made

1. The status of Environmental Compensation deposited by Project Proponents with APPCB.
2. The status of plan for remediation/restoration of environment prepared by APPCB.
3. The status of measures implemented by the project proponent for remediation/restoration of environment.

Your faithfully


(H. D. Varalaxmi)
Regional Director

Copy to:

1. The Deputy Director General of Forests (C)
Ministry of Environmental, Forest and Climate Change
Integrated Regional Office- Vijayawada
Green House, Gopalareddy Road
Vijayawada – 520010, Andhra Pradesh

(H. D. Varalaxmi)

क्षेत्रीय निदेशालय (चेन्नई) : द्वितीय तल, 40-ई, बीएसएनएल बिल्डिंग, थिरु-वी-का औद्योगिक एस्टेट, सिपेट रोड, गिंडी, चेन्नई – 600032
दूरभाष: 044-29998683/044-29567019 ईमेल: rdchennai.cpcb@gov.in

Regional Directorate (Chennai): Second Floor, 40-E, BSNL Building, TVK Industrial Estate, CIPET Road, Guindy, Chennai – 600032
Phone: 044-29998683/044-29567019 Email: rdchennai.cpcb@gov.in

प्रधान कार्यालय : परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली -110 032
Head Office: Parivesh Bhawan, East Arjun Nagar, Delhi – 110032
दूरभाष /Telephone: 011-43102030, Fax : 22305793, 22307078, 22307079, 22301932, 22304948
ई-मेल / E-mail: cpcb@nic.in वैबसाइट / Website : www.cpcb.nic.in



केंद्रीय प्रदूषण नियंत्रण बोर्ड CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

फ़.सं.:सीएम-13011/1/2024-टेक-क्षे.नि.-चेन्नई-क्षे.नि.(चेन्नई)/871

19 दिसंबर, 2024

सेवा में

सदस्य सचिव
आंध्र प्रदेश प्रदूषण नियंत्रण बोर्ड
डी.नं. 33-26-14 डी/2, सनराइज हॉस्पिटल के पास
पुष्पा होटल सेंटर, चलमालावारी स्ट्रीट
कस्तूरीबाईपेट, विजयवाड़ा - 520 010

विषय: पीपी द्वारा आंध्र प्रदेश प्रदूषण नियंत्रण बोर्ड के पास जमा किए गए पर्यावरणीय मुआवजे की जानकारी और मूल आवेदन 175/2018 में माननीय राष्ट्रीय हरित न्यायाधिकरण के आदेश के अनुपालन में पर्यावरण के सुधार/पुनर्स्थापना के लिए योजना की स्थिति।

संदर्भ: 1. मूल आवेदन 175/2018 के मामले में माननीय एनजीटी का आदेश दिनांक 9 अगस्त, 2021।

2. मूल आवेदन 175/2018 में एमए 101/2024 के मामले में माननीय एनजीटी का आदेश दिनांक 10 अक्टूबर 2024।

महोदय,

यह 2018 के मूल आवेदन संख्या 175 में माननीय एनजीटी द्वारा जारी उपरोक्त आदेशों के संदर्भ में है, जिसमें माननीय एनजीटी ने पुरूषोत्तमपट्टनम एलआईएस, पट्टीसीमा एलआईएस, चित्तलपुड़ी एलआईएस और पोलावरम/इंदिरा सागर एमआईपी परियोजनाओं के परियोजना प्रस्तावकों को पर्यावरणीय मुआवजा का भुगतान आंध्र प्रदेश प्रदूषण नियंत्रण बोर्ड को 3 महीने के भीतर यानी 2 मार्च 2021 से पहले करने का निर्देश दिया था।

माननीय एनजीटी ने आदेश में निम्नलिखित भी निर्देशित किया:

- उक्त राशि का उपयोग एमओईएफ एवं सीसी, सीपीसीबी और एपीपीसीबी की निगरानी समिति के मार्गदर्शन और पर्यवेक्षण के तहत पर्यावरण के सुधार/पुनर्स्थापना के लिए किया जाएगा।
- नोडल एजेंसी एपीपीसीबी और सीपीसीबी होगी। उपरोक्त समिति का गठन फैसले की तारीख से एक महीने के भीतर किया जाएगा।
- निवारण के लिए योजना एपीपीसीबी द्वारा वन विभाग, आंध्र प्रदेश राज्य के परामर्श से दो महीने के भीतर तैयार की जाएगी और अगले छह महीनों के भीतर निष्पादित की जाएगी।
- उपरोक्त प्राधिकारियों/समिति(यों) को उपरोक्त निर्देशों को प्रभावी करने के लिए संबंधित क्षेत्र में किसी भी विशेषज्ञ से परामर्श करने और/या समिति में शामिल करने की छूट होगी।

उपरोक्त आदेश के अनुपालन में, सीपीसीबी ने पत्र संख्या दिनांक 12/01/2022 के माध्यम से समिति के सदस्य के रूप में भाग लेने के लिए अधिकारी को नामित किया, और 11/03/2022 को वीसी के माध्यम से निगरानी समिति की एक बैठक में भी भाग लिया, उसके बाद कोई निगरानी समिति की बैठक नहीं हुई। उपरोक्त को ध्यान में रखते हुए, आपसे अनुरोध है कि निम्नलिखित विवरण प्रस्तुत करें और प्रगति की स्थिति की समीक्षा के लिए जल्द से जल्द निगरानी समिति की बैठक बुलाएं।

- परियोजना समर्थकों द्वारा एपीपीसीबी के पास जमा किए गए पर्यावरणीय मुआवजे की स्थिति।
- एपीपीसीबी द्वारा पर्यावरण के निवारण/पुनर्स्थापना हेतु तैयार की गई योजना की स्थिति।
- पर्यावरण के सुधार/बहाली के लिए परियोजना प्रस्तावक द्वारा कार्यान्वित उपायों की स्थिति।

निष्ठापूर्वक,

(एच. डि. वरलक्ष्मी)
क्षेत्रीय निदेशक

वितरण:

उप निदेशक वन (सी)
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
एकीकृत क्षेत्रीय कार्यालय- विजयवाड़ा
ग्रीन हाउस, गोपालरेड्डी रोड
विजयवाड़ा - 520010, आंध्र प्रदेश

(एच. डि. वरलक्ष्मी)

क्षेत्रीय निदेशालय (चेन्नई) : द्वितीय तल, 40-ई, बीएसएनएल बिल्डिंग, थिरु-वी-का औद्योगिक एस्टेट, सिपेट रोड गिंडी, चेन्नई - 600032

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केंद्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

F. No. CM-13011/1/2024-TECH-RD-CHENNAI-RD (Chennai)/872

December 19, 2024

To

The Member Secretary
Andhra Pradesh Pollution Control Board
D.No. 33-26-14 D/2, Near Sunrise Hospital
Pushpa Hotel Centre, Chalamalavari Street
Kasturibaipet, Vijayawada – 520 010

Sub: Information of Environmental Compensation deposited by PPs with APPCB and status of plan for remediation/restoration of environment in compliance to the Hon'ble NGT order in the matter OA. 175/2018

Ref: 1. Hon'ble NGT order dated August 9, 2021 in the matter OA. 175/2018

2. Hon'ble NGT order dated October 10, 2024 in the matter of MA in 101/2024 in OA. 175/2018

Sir,

This has reference to the above orders issued by the Hon'ble NGT in OA No. 175 of 2018, wherein Hon'ble NGT had directed Project Proponent of Purushothapatnam LIS, Pattiseema LIS, Chintalapudi LIS and Polavaram/Indira Sagar MIP projects to pay Environmental Compensation to APPCB within 3 months, i.e before March 2nd, 2021.

The Hon'ble NGT also directed the following in the order:

1. The said amount shall be utilised for remediation/restoration of environment under guidance and supervision of an Oversight Committee comprising MoEF&CC, CPCB and APPCB.
2. The nodal agency shall be APPCB and CPCB. Aforesaid Committee shall be constituted within one month from the date of the judgment.
3. Plan for remediation shall be prepared by APPCB in consultation with department of Forest, State of Andhra Pradesh within two months and shall be executed within next six months.
4. It will be open to above Authorities/Committee(s) to consult any Expert in the respective field and/or to include in the Committee to give effect to the above directions.

In compliance of above said order, CPCB nominated officer to participate as committee member vide letter No. dated 12/01/2022, and also attended the one meeting of Oversight Committee through VC on 11/03/2022, after that no Oversight committee meetings are convened. In view of the above, it is kindly requested to submit the following details and convene the oversight committee meeting at the earliest to review the status of progress made

1. The status of Environmental Compensation deposited by Project Proponents with APPCB.
2. The status of plan for remediation/restoration of environment prepared by APPCB.
3. The status of measures implemented by the project proponent for remediation/restoration of environment.

Your faithfully

(H. D. Varalaxmi)
Regional Director

Copy to:

1. The Deputy Director General of Forests (C)
Ministry of Environmental, Forest and Climate Change
Integrated Regional Office- Vijayawada
Green House, Gopalareddy Road
Vijayawada – 520010, Andhra Pradesh

(H. D. Varalaxmi)

क्षेत्रीय निदेशालय (चेन्नई) : द्वितीय तल, 40-ई, बीएसएनएल बिल्डिंग, थिरु.वी.का औद्योगिक एस्टेट, सिपेट रोड, गिंडी, चेन्नई – 600032

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Head Office: Parivesh Bhawan, East Arjun Nagar, Delhi – 110032

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ई-मेल / E-mail: cpcb@nic.in वेबसाइट / Website : www.cpcb.nic.in



केंद्रीय प्रदूषण नियंत्रण बोर्ड CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

फ.सं.:सीएम-13011/1/2024-टेक-क्षे.नि.-चेन्नई-क्षे.नि.(चेन्नई)/812

19 दिसंबर, 2024

सेवा में

सदस्य सचिव
आंध्र प्रदेश प्रदूषण नियंत्रण बोर्ड
डी.नं. 33-26-14 डी/2, सनराइज हॉस्पिटल के पास
पुष्पा होटल सेंटर, चलमालावारी स्ट्रीट
कस्तूरीबाईपेट, विजयवाड़ा - 520 010

विषय: पीपी द्वारा आंध्र प्रदेश प्रदूषण नियंत्रण बोर्ड के पास जमा किए गए पर्यावरणीय मुआवजे की जानकारी और मूल आवेदन 175/2018 में माननीय राष्ट्रीय हरित न्यायाधिकरण के आदेश के अनुपालन में पर्यावरण के सुधार/पुनर्स्थापना के लिए योजना की स्थिति।

संदर्भ: 1. मूल आवेदन 175/2018 के मामले में माननीय एनजीटी का आदेश दिनांक 9 अगस्त, 2021।

2. मूल आवेदन 175/2018 में एमए 101/2024 के मामले में माननीय एनजीटी का आदेश दिनांक 10 अक्टूबर 2024।

महोदय,

यह 2018 के मूल आवेदन संख्या 175 में माननीय एनजीटी द्वारा जारी उपरोक्त आदेशों के संदर्भ में है, जिसमें माननीय एनजीटी ने पुरूषोत्तमपट्टनम एलआईएस, पट्टीसीमा एलआईएस, चिंतालपुड़ी एलआईएस और पोलावरम/इंदिरा सागर एमआईपी परियोजनाओं के परियोजना प्रस्तावकों को पर्यावरणीय मुआवजा का भुगतान आंध्र प्रदेश प्रदूषण नियंत्रण बोर्ड को 3 महीने के भीतर यानी 2 मार्च 2021 से पहले करने का निर्देश दिया था।

माननीय एनजीटी ने आदेश में निम्नलिखित भी निर्देशित किया:

- उक्त राशि का उपयोग एमओईएफ एवं सीसी, सीपीसीबी और एपीपीसीबी की निगरानी समिति के मार्गदर्शन और पर्यवेक्षण के तहत पर्यावरण के सुधार/पुनर्स्थापना के लिए किया जाएगा।
- नोडल एजेंसी एपीपीसीबी और सीपीसीबी होगी। उपरोक्त समिति का गठन फैसले की तारीख से एक महीने के भीतर किया जाएगा।
- निवारण के लिए योजना एपीपीसीबी द्वारा वन विभाग, आंध्र प्रदेश राज्य के परामर्श से दो महीने के भीतर तैयार की जाएगी और अगले छह महीनों के भीतर निष्पादित की जाएगी।
- उपरोक्त प्राधिकारियों/समिति(यों) को उपरोक्त निर्देशों को प्रभावी करने के लिए संबंधित क्षेत्र में किसी भी विशेषज्ञ से परामर्श करने और/या समिति में शामिल करने की छूट होगी।

उपरोक्त आदेश के अनुपालन में, सीपीसीबी ने पत्र संख्या दिनांक 12/01/2022 के माध्यम से समिति के सदस्य के रूप में भाग लेने के लिए अधिकारी को नामित किया, और 11/03/2022 को वीसी के माध्यम से निगरानी समिति की एक बैठक में भी भाग लिया, उसके बाद कोई निगरानी समिति की बैठक नहीं हुई। उपरोक्त को ध्यान में रखते हुए, आपसे अनुरोध है कि निम्नलिखित विवरण प्रस्तुत करें और प्रगति की स्थिति की समीक्षा के लिए जल्द से जल्द निगरानी समिति की बैठक बुलाएं।

- परियोजना समर्थकों द्वारा एपीपीसीबी के पास जमा किए गए पर्यावरणीय मुआवजे की स्थिति।
- एपीपीसीबी द्वारा पर्यावरण के निवारण/पुनर्स्थापना हेतु तैयार की गई योजना की स्थिति।
- पर्यावरण के सुधार/बहाली के लिए परियोजना प्रस्तावक द्वारा कार्यान्वित उपायों की स्थिति।

निष्ठापूर्वक,

(एच. डि. वरलक्ष्मी)
क्षेत्रीय निदेशक

वितरण:

उप निदेशक वन (सी)
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
एकीकृत क्षेत्रीय कार्यालय- विजयवाड़ा
ग्रीन हाउस, गोपालरेड्डी रोड
विजयवाड़ा - 520010, आंध्र प्रदेश

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क्षेत्रीय निदेशालय (चेन्नई) : द्वितीय तल, 40-ई, बीएसएनएल बिल्डिंग, थिरु-वी-का औद्योगिक एस्टेट, सिपेट रोड गिंडी, चेन्नई - 600032

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MINUTES OF THE MEETING**MINUTES OF THE 2ND OVERSIGHT COMMITTEE MEETING HELD ON 01.02.2025 IN THE MATTER OF THE HON'BLE NGT VIDE ORDER DATE. 02.12.2021 IN O.A.NO. 175/2018; O.A.NO. 350/2018, R.A. NO. 46/2019 IN O.A.NO. 48/2019; O.A. NO. 857/2018 (IN THE MATTER OF IRRIGATION PROJECTS IN ANDHRA PRADESH).**

The 2nd VC meeting of the Oversight Committee constituted in compliance to the Hon'ble NGT order dated 02.12.2021 in O.A.No. 175/2018; O.A.No. 350/2018, R.A. No. 46/2019 in O.A.No. 48/2019; O.A. No. 857/2018 (in the matter of Irrigation projects in Andhra Pradesh) was convened on 01.02.2025. The members of Oversight Committee from APPCB, CPCB and MoEF&CC and following officials of APPCB attended the VC meeting:

S.No.	Name & Designation	Organization
Oversight Committee Members		
1.	Dr. P. Prasada Rao, Joint Chief Environmental Engineer	: Andhra Pradesh Pollution Control Board, Zonal Office (FAC), Visakhapatnam
2.	Dr. C Murali Krishna, Scientist 'E'	: Ministry of Environment, Forest & Climate Change, Sub- Office Vijayawada
3.	Smt. Sowmya D, Scientist 'E'	: Central Pollution Control Board, Regional Directorate, Chennai
Officials of APPCB		
4.	Shri. V R Maheswara Rao, SEE	: Andhra Pradesh Pollution Control Board, Vijayawada
5.	Shri M B S Shankar Rao, EE	: Regional Office Kakinada, Andhra Pradesh Pollution Control Board
6.	Shri K Venkateswara Rao, EE	: Regional Office Elluru, Andhra Pradesh Pollution Control Board

At the outset the Senior Environmental Engineer, APPCB, Vijayawada welcome the members to the 2nd VC meeting of the Oversight Committee and following status were furnished to the Committee:

- 1) Four cases were filed in the matter of Irrigation projects before the Hon'ble NGT (PB), New Delhi on violation of EIA notification for construction of the irrigation projects without obtaining Environmental Clearance as required to obtain under EIA Notification, 2006 and degradation of environment during construction of irrigation projects namely Purushothapatnam LIS; Pattiseema LIS; Chinthalapudi LIS and Polavaram/Indira Sagar MIP.
- 2) The Hon'ble NGT (PB), New Delhi vide order date. 02.12.2021 disposed 4 cases (O.A. No.

175/2018; O.A. No. 350/2018, R.A. No. 46/2019 in O.A. No. 48/2019; O.A. No. 857/2018).

The operative part of the order is as follow:

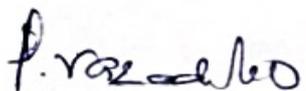
- (i) *Project Proponent of Purushothapatnam LIS shall pay Environmental Compensation of Rs. 24.5622 Crores i.e. 24.56 Crores (1.5% of project cost i.e. Rs. 1637.48 Crores).*
 - (ii) *Project Proponents of Pattiseema LIS shall pay Environmental Compensation of Rs. 24.9 Crores (1.5% of project cost i.e. Rs. 1660 Crores).*
 - (iii) *Project Proponents of Chintalapudi LIS shall pay Rs. 73.635 Crores i.e. 73.6 Crores (1.5% of 4909 Crores) as Environmental Compensation. This project is in process and it is said that 50% of the work has already been completed. Here, project cost approved in 2016 was Rs. 4909.80 Crores, hence we have taken above cost of project instead of considering present cost.*
 - (iv) *Project Proponents of Polavaram/Indira Sagar MIP shall pay Environmental Compensation of Rs. 120.075 Crores i.e. 120 Crores (0.75% of Rs. 16010 Crores). Here the project cost of Rs. 16010 Crores was shown as per 2010-2011. Since it is an ongoing project and there was compliance of requirement of EC etc. hence, we have not gone with subsequent increase of project cost.*
 - (v) *The above amount of Environmental Compensation shall be paid by concerned PPs within 3 months with APPCB. The said amount shall be utilized for remediation/restoration of environment under guidance and supervision of an Oversight Committee comprising MoEF&CC, CPCB and APPCB. The nodal agency shall be APPCB and CPCB. Aforesaid Committee shall be constituted within one month from the date of the judgment. Plan for remediation shall be prepared by APPCB in consultation with department of Forest, State of Andhra Pradesh within two months and shall be executed within next six months. It will be open to above Authorities/Committee(s) to consult any Expert in the respective field and/or to include in the Committee to give effect to the above directions.*
- 3) The APPCB vide letter dated 23.08.2022 requested the Engineer-in-Chief, Water Resources Department (Irrigation), Vijayawada to arrange to pay the Environmental Compensation levied by Hon'ble NGT.
 - 4) The Water Resources Department (Irrigation), Government of Andhra Pradesh, Vijayawada filed Civil Appeal No. 3792-3793/2022 before the Hon'ble Supreme Court against the Hon'ble NGT order. The Hon'ble Supreme court in its interim order dated 17.10.2022 directed the appellant to deposit the compensation penalty amount as computed by the committee

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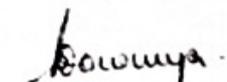
(constituted by the Hon'ble NGT in O.A. No. 175/2018; O.A. No. 350/2018, R.A. No. 46/2019 in O.A. No. 48/2019; O.A. No. 857/2018).

- 5) Accordingly, the Water Resources Department deposited Rs. 2,48,41,155/- (in respect of Purushottapatnam Lift Irrigation Scheme) and Rs. 1,90,85,838/- (in respect of Pattiseema Lift Irrigation Scheme) with APPCB towards environmental compensation (Total of Rs. 4,39,26,993/-).
- 6) As per the Hon'ble NGT order, the APPCB addressed letter to Principal Chief Conservator of Forests Head of Forest Force of the Forest Department, Andhra Pradesh (PCCF (HoFF)) on 22.02.2022, 31.03.2023 and 10.08.2023 requesting to prepare the remediation plan and send draft remediation plan within 15 days to take further action in the matter. The reply is still awaited.
- 7) Later, another reminder was sent to PCCF (HoFF) on 19.01.2025 with a request to issue necessary instructions to the concerned for preparation of plan for remediation/restoration of environment for utilizing the environmental compensation amount paid by the Water resources department. Reply is awaited from PCCF (HoFF).
- 8) The CPCB vide letter date. 19.12.2024, informed that CPCB nominated officer to participate as committee member vide letter dated 12.01.2022 and also attended one meeting of oversight committee through VC on 11.03.2022, after that no oversight committee meetings are convened. Further requested the Board to submit following details and convene the oversight committee meeting at the earliest to review the status of the progress made :
 - a) The status of Environmental Compensation deposited by Project Proponents with APPCB.
 - b) The status of plan for remediation/restoration of environment prepared by APPCB.
 - c) The status of measures implemented by the project proponent for remediation/restoration of environment.
- 9) After review of the above status, the committee has noted that, the Water Resource Department deposited Rs. 2,48,41,155/- (in respect of Purushottapatnam Lift Irrigation Scheme) and Rs. 1,90,85,838/- (in respect of Pattiseema Lift Irrigation Scheme) with APPCB towards environmental compensation (Total of Rs. 4,39,26,993/-) in accordance to the Hon'ble Supreme Court interim order dated 17.10.2022. The case is pending for disposal before the Hon'ble Apex Court.

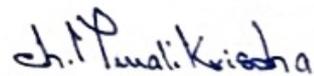
- 10) Further, the committee noted that the Water Resource Department has not deposited the EC levied by Hon'ble NGT in respect of Chintalpudi LIS for Rs. 73.635 crores and Polavaram / Indira Sagar MIP for Rs. 120 crores. In this regard, it is opined to obtain the status from the Water Resource Department in respect of these two projects. APPCB to address letter to Water Resource Department to obtain the above details.
- 11) The committee noted that, APPCB vide letters dt: 22.02.2022, 31.03.2023, 10.03.2023 & 19.01.2025 requested PCCF (HoFF) with a request to issue necessary instructions to the concerned for preparation of plan for remediation/restoration of environment for utilizing the environmental compensation amount paid by the Water resources department. Since the reply yet to be received, APPCB proposed to address letters to Universities (viz., JNTU, Kakinada, Andhra University, Visakhapatnam, IIT, Tirupati). The member from MOEF&CC suggested APPCB to address letter to the Central and State Government institutions having expertise in preparation of plan of action for remediation / restoration of environment for irrigation projects.
- 12) The Oversight Committee suggested APPCB to prepare of plan of action for remediation restoration of environment in the irrigation projects as directed in the Hon'ble NGT Order dated 02.12.2021 at the earliest and furnished the action plan to the Oversight Committee for further process.



Dr. P. Prasada Rao, Joint
Chief Environmental
Engineer, APPCB, Zonal
Office (FAC),
Visakhapatnam



Smt. Sowmya D.,
Scientist 'E', Central
Pollution Control Board,
Regional Directorate, Chennai



Dr. C Murali Krishna,
Scientist 'E', Ministry of
Environment, Forest &
Climate Change,
Sub Office, Vijayawada

ITEM NO.60

COURT NO.9

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No(s). 3792-3793/2022

THE STATE OF ANDHRA PRADESH & ANR.

Appellant(s)

VERSUS

JAMMULA CHHOUDARAIHAH & ORS.

Respondent(s)

(IA No. 71878/2022 - EX-PARTE STAY
IA No. 71877/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

WITH

C.A. No. 3863/2022 (XVII)(IA No. 72848/2022 - EX-PARTE STAY
IA No. 72847/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)Diary No(s). 9140/2022 (XVII)(IA No. 113760/2022 - CONDONATION OF DELAY IN REFILEING / CURING
THE DEFECTS
IA No. 113759/2022 - EX-PARTE STAY
IA No. 113758/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 17-10-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE J.K. MAHESHWARIFor Appellant(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. S. Niranjan Reddy, Sr. Adv.
Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Ms. Rajeswari Mukherjee, Adv.
Mr. Sahil Raveen, Adv.
Mr. Harsha Gokhale, Adv.
Mr. Gibran Naushad, Adv.For Respondent(s) Mr. Sravan Kumar, Adv.
Ms. Medha Singh, Adv.
Mr. P. Santhosh Kumar, Adv.
Mr. Hitendra Nath Rath, AOR

UPON hearing the counsel, the Court made the following

O R D E R

Our attention is drawn to the order dated 09.03.2022 passed in Civil Appeal D. No.6850 of 2022. It is submitted that the issue raised in the present appeals is similar, as the quantum of damages has been determined on the basis of the original project cost.

Issue notice, returnable in the month of February, 2023.

Mr. Shravan Kumar Karnam, and Mr. Hitendra Nath Rath, learned counsel appearing on behalf of the respondents, have accepted notice.

Four weeks' time is granted to file counter affidavit/reply.

Rejoinder, if any, may be filed within four weeks after service of the counter affidavit/reply.

There will be limited stay of the impugned order viz. the compensation/penalty amount. The appellants, however, will comply with the compliance and other directions given in the impugned order. Further, the appellants would deposit the compensation/penalty amount as computed by the Committee. We clarify that this is an interim order and appropriate order regarding deposit of compensation amount would be passed on the next date of hearing.

The proceeding before the National Green Tribunal would continue.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)