

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 361/2018**

IN THE MATTER OF

Narmada Pradushan Nivaran

Samiti & Ors.

...Applicant

VS

Ministry of Environment, Forest &

Climate Change & Ors.

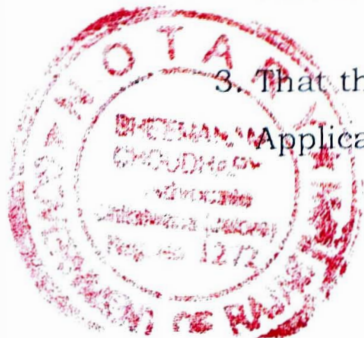
... Respondents

**REPLY/RESPONSE ON BEHALF OF RESPONDENT
NO.10/STATE OF RAJASTHAN.**

I, Shriphal Meena S/o Kishori Lal Neena aged about 57 years, at present working as Superintending Engineer Narmada Canal project Circle I Sanchore do hereby solemnly affirm and state as under:-

1. That I am the Officer-In-Charge of the present case and I am fully conversant with the facts and circumstances of this case.
2. That the main issue in the present case is with regard to the use of Narmada river water in the downstream of Sardar Sarovar Dam and its impact on the environment.

3. That the present Original Application is being preferred by the Applicant raising the issue of e-flow downstream of Sardar



ATTESTED
[Signature]
Advocate B. R. Choudhary,
NOTARY 14.11.24
Govt. of Rajasthan
Chitaiwana (Jalore)
Reg No 1272

Superintending Engineer
Narmda Canal Project
Circle 1, Sanchore

Sarovar Dam. The Applicant herein is seeking increase of e-flow in the downstream of Sardar Sarovar Dam and in view thereof, the Applicant has relied on the Notification dated 12.12.1979 issued under Section 6 of the Interstate Water Dispute Act, 1956, wherein, the apportionment of the utilisation quantum of Narmada water is specified under Clause III.

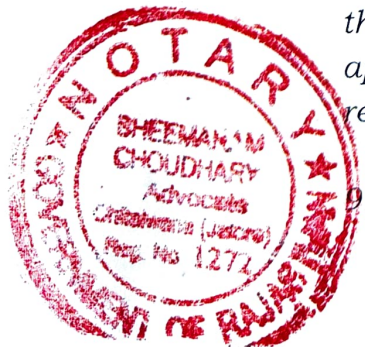
4. That in the order dated 26.04.2024 passed by this Hon'ble Tribunal, it was observed as under :-

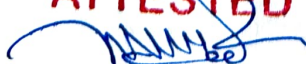
"4. In terms of Clause 5, the apportionment made under Clause 3 is subject to review after 45 years from the date of publication of decision of the Narmada Water Dispute Tribunal in the Official Gazette.

5. Learned Counsel appearing for respondent no. 2 and 3 has pointed out that the decision of the Tribunal published in the award can now be reviewed after December, 2024 as the 45 years period will be completed by then.

6. In this OA, the applicant is seeking increase of e-flow in the downstream of Sardar Sarovar Dam, therefore, other States to whom the apportionment has been made in the above Clause 3 may be effected. Learned Counsel appearing for respondent no. 2 and 3 has also submitted that the other States will be effected. Hence, we direct the applicant to implead the following as additional respondents in the OA:-

9. State of Madhya Pradesh through its Chief Secretary

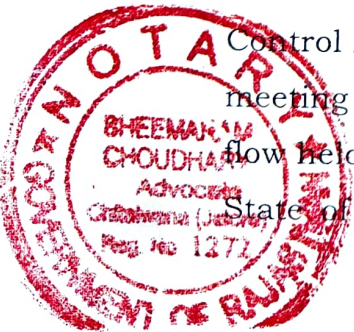


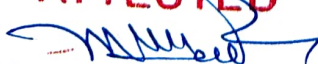
ATTESTED

 Advocate B. R. Choudhary
 NOTARY 14.11.24
 Govt. of Rajasthan
 Chitalwana (Jaipur)
 Reg. No 1272


 Superintending Engineer
 Narmda Canal Project
 Cricle 1 , Sanchore

10. State of Rajasthan through its Chief Secretary
11. State of Maharashtra through its Chief Secretary”

5. That the Hon'ble Tribunal, in its order dated 26.04.2024, impleaded the answering Respondent/ State of Rajasthan and vide order dated 06.08.2024, this Hon'ble Court granted time to the Respondent's to file their responses to the issue raised in the present Original Application.
6. That the Answering Respondent by way of the present reply/response is placing on record the facts pertaining to the issue in the present Application.
7. It is submitted that as discussed in the order dated 26.04.2024, E-flow Committee meetings were held on 21.09.2023, 17.01.2024 and 18.03.2024, and the State of Rajasthan agreed to get the study carried out for the downstream of Garudeshwar weir up to Bhadbhut Barrage with a condition that the final decision on the enhanced environmental flow shall require approval of the Higher/Competent Authority.
8. In the Second Meeting held on 17.01.2024, Central Inland Fisheries Research Institute (CIFRI) was asked by Narmada Control Authority (NCA) to prepare and submit a report. In the meeting of the Committee on Narmada River Downstream E-flow held on 19.03.2024, on the report presented by CIFRI, the State of Rajasthan (answering Respondent herein) agreed to

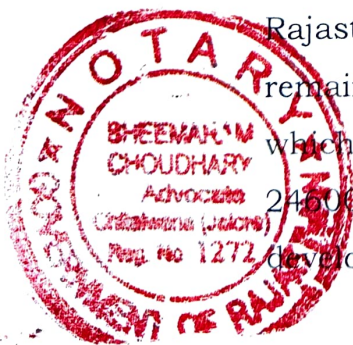


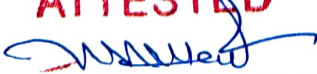
ATTESTED

 Advocate B R Choudhary
 NOTARY 14.11.24
 Govt. of Rajasthan
 Chitawana (Jalore)
 Reg No 1272


 Superintending Engineer
 Narmda Canal Project
 Circle 1, Sanchore

the report of Superintending Engineer Narmada Canal Project. A copy of the letter No. 3802 dated 18.03.2024 is annexed herewith as **ANNEXURE R-1**.

9. It is most humbly submitted that the Answering Respondent only urges that any decision on upward revision from the present 600 cusecs of E-flow which is being released from the Godbole Gate throughout the year, in all season, should not affect the water share of Rajasthan (i.e. 0.50 MAF).
10. The Answering Respondent is of the view that for the downstream stretch of Bhadbhut Barrage, releases of adequate E-flow is the responsibility of Gujarat Government and the allocated water of the 4 party States should not be utilized for the same as the Respondent State is arid State.
11. It is pertinent to note that the share of the State of Rajasthan in the water of Narmada River is only 0.50 M.A.F. That Sanchore, Barmer is a drought affected area of Thar Desert and there is no other source of drinking water, hence 0.1064 M.A.F. for drinking water is reserved and from which water is provided to 1541 villages and 03 towns of three districts of Rajasthan state (i.e. Sanchore, Barmer and Jalore) and the remaining water 0.3777 M.A.F. is reserved for irrigation, in which 1792 km long canals have been constructed to irrigate 245000 hectares, and complete irrigation system has been developed. In the command area of Narmada Canal Project



ATTESTED

 Advocate B R Choudhary
 NOTARY 14.11.24
 Govt. of Rajasthan
 Chitalwana (Jalore)
 Reg No 1272

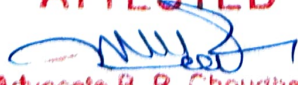

 Superintending Engineer
 Narmda Canal Project
 Cricle 1, Sanchore

Sanchole Barmer Basin, the 'Intensity of Irrigation in Rabi Season' is 25% in Sanchole's Nehad area, 40 % in Narmada Canal Project Lift System and 50 % in gravity flow area, which has been kept in a very critical stage. The State Respondent fears that in case of any reduction is made then there is possibility of agitation by farmers due to scarcity of water as the State has dry and arid region. Therefore, it is not possible to reduce the water share of Rajasthan.

12. It is reiterated that the issue in the present O.A. is regarding the Notification dated 12.12.1979 passed with the consent of 4 beneficiary States, and as per Clause V of the Notification, review of its clauses could be done at any time after a period of 45 years and the same is due for a review after the year 2024 from the date of publication of the Award on 12.12.1979 and according to the State of Rajasthan, the 600 Cusecs of water as E-flow should be continued as per the decision taken earlier till the final decision is taken with the consensus of all the beneficiary States.

13. The State of Rajasthan being an arid and dry State requests that any decision on upward revision of E-flow should not affect the water share of Rajasthan especially since the economy of the three districts viz. Barmer, Jalore and Sanchole is totally dependent on this 0.50 MAF of Narmada water.



ATTESTED

 Advocate B R Choudhary
 NOTARY 16.11.24
 Govt. of Rajasthan
 Chitalwana (Jalore)
 Reg No 1272

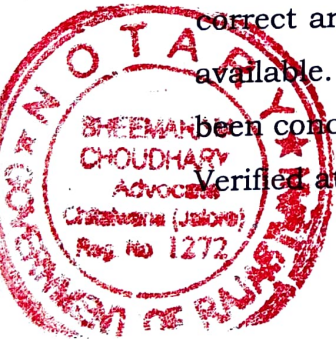
Superintending Engineer
 Narmda Canal Project
 Cricle 1, Sanchole

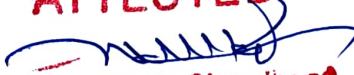
14. In view of the above facts and circumstances of the case, the present case may be decided in accordance with law. The Answering Respondent states that it will abide by whatever directions/ orders passed by this Hon'ble Tribunal.
15. That the annexures annexed along with the present Affidavit are true copies of their respective originals.

VERIFICATION:

I, the above-named deponent, do hereby verify that the contents made in Para 1 to Para 14 of the above captioned Reply/Response Affidavit are correct and true to the best of my personal knowledge based on records available. Nothing false has been stated herein and nothing relevant has been concealed therefrom.

Verified at Sanchore on this, the 14 day of November 2024.



ATTESTED

 Advocate B R Choudhary
 NOTARY 14/11/24
 Govt. of Rajasthan
 Chitalwana (Jalore)
 Reg No 1272

DEPONENT

Superintending Engineer
 Narmda Canal Project
 Cricle 1 , Sanchore

DEPONENT

Superintending Engineer
 Narmda Canal Project
 Cricle 1 , Sanchore

कार्यालय अधीक्षण अभियंता नर्मदा नहर परियोजना वृत्त प्रथम सांचीर

क्रमांक: 3302

दिनांक: 18/03/2024

Member (Env. & Reh.)
Narmada Control Authority,
Narmada Sadan, Sector-B, Scheme No 74 C,
Vijay Nagar Indore 452010

विषय— Proposal on E-flow in the downstream of SSD/Garudeshwar Weir

संदर्भ— आपका पत्र क्रमांक No. NCA/Env/2023/50, दिनांक 09 फरवरी 2024 एवं पत्र
क्र. No. NCA/Env/2023/69, दिनांक 23 फरवरी 2024

उपरोक्त विषयान्तर्गत लेख है कि नर्मदा नियंत्रण प्राधिकरण के संदर्भित पत्र से प्राप्त CIFRI द्वारा पेशित Draft Project Proposal वस्तुतः सरदार सरोवर परियोजना बांध के Down Stream में Environmental Ecology विशेषतः downstream fish species हेतु Environmental flow की अध्ययन से सम्बंधित है।


अतः CIFRI की उपरोक्त रिपोर्ट पर राजस्थान के Comments निम्न प्रकार से है :-

1. राजस्थान राज्य के हिस्से के पानी की कटौती किये बिना तथा राजस्थान राज्य के हिस्से की लागत में किसी भी प्रकार की वृद्धि किये बिना राजस्थान राज्य CIFRI की उक्त रिपोर्ट से सहमत है।

2. सरदार सरोवर बांध के downstream में मानसून के दौरान होने वाले overflow पानी को उचित रूप से सहेजकर यथा Storage Dam बनाकर अथवा अन्य स्रोतों में इकठ्ठा कर जरूरत के समय आवश्यकतानुसार उस पानी को E-Flow के रूप में गुजरात राज्य द्वारा उपयोग में लिया जा सकता है।

3. चूंकि उक्त E-flow का प्रस्तावित क्षेत्र सरदार सरोवर बांध के Downstream में गुजरात राज्य में प्रवाहित नर्मदा नदी में है, अतः इस सम्बन्ध में गुजरात राज्य द्वारा निर्णय लिया जाना उचित होगा।

4. विशेष परिस्थितियों में यदि overflow पानी Dam में नहीं होता है तो उस वर्ष अन्य सम्बंधित राज्यों से सुझाव लिया जाना उचित होगा।



अधीक्षण अभियंता
नर्मदा नहर परियोजना
वृत्त प्रथम, सांचीर

क्रमांक: 3303-04

दिनांक: 18/03/2024

प्रतिलिपि निम्नलिखित को सूचनाएँ एवं आवश्यक कार्यवाही हेतु प्रस्तुत है :-

1. श्रीमान मुख्य अभियंता जल संसाधन विभाग राजस्थान, जयपुर।
2. श्रीमान मुख्य अभियंता जल संसाधन विभाग जोधपुर।


अधीक्षण अभियंता
नर्मदा नहर परियोजना
वृत्त प्रथम, सांचीर

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

Suit/Appeal No. Original Application No. 361/2018 JURISDICTION OF 201

In re:-

Naramada Pradusan Nivaran Samiti & Anr.

.....Plaintiff(s) or Petitioner(s)

Appellant(s) Complainant(s)

VERSUS

Ministry of Environment Forest and Climate Change & Ors.

Defendant (s)/ Respondent(s) / Accused Know all to whom
these Present shall come that I/we **Respondent No. 10 State of Rajasthan**

The above named. **Shiv Mangal Sharma & Saurabh Rajpal**
D-291 2 ND 3RD FLOOR DEFENCE .do hereby appoint
COLONY NEW DELHI-110024
GMAIL counsel.sc.rajasthan@gmail.com

(herein after called the advocate/s) to be my / our Advocate in the above – noted case authorize him:-

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objection or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences of disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/we undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/we undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this15.....Day of November 2024 Accepted subject to the terms of the fees.

Advocate
Shiv Mangal Sharma

SHIV MANGAL SHARMA

Client

Client

I Identify the Signature/Thumb Impression of Below Mentioned Person

Signed in My Presence.

Superintending Engineer
Naramada Canal Project
Cricle 1, Sanchore

Saurabh Rajpal
SAURABH RAJPAL





Saurabh Rajpal <counsel.sc.rajasthan@gmail.com>

Advance Service Narmada Pradusan Nivaran Samiti & Anr.-NGT

1 message

Saurabh Rajpal <counsel.sc.rajasthan@gmail.com>

Sat, Nov 16, 2024 at 12:56 PM

To: "ielo.indialaw@gmail.com" <ielo.indialaw@gmail.com>, gigicgeorge.adv42@yahoo.in

Sir/Madam

Please find the copy of the Reply, attached below, filed in the above subject matter on behalf of the Respondent No.10 /State of Rajasthan as advance proof of service.

Thanking you.

Yours sincerely,

Saurabh Rajpal
Advocate-on-Record
Supreme Court of India
Govt. Counsel
For State of Rajasthan
Mb:9971792885



Narmada Pradushan Reply-NGT.pdf

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