BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.1004 OF 2024

I**N THE MATTER OF**:

PRAHLAD ROY GOENKA & ORS …APPLICANTS

VERSUS

UNION OF INDIA & ORS …RESPONDENTS

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Date: 10.06.2024

BEFORE THE NATIONAL GREEN TRIBUNAL

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REPLY BY THE WAY OF AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6

I LAXMI PRASAD JOSHI, S/o Lt. Sh. VIDHYA DUTT JOSHI aged about 58 years, presently posted as EXECUTIVE DIRECTOR presently at TEHRI do hereby solemnly affirm and state on oath as under:

1. That I have gone through the contents of this Affidavit and have properly understood the same. The Deponent is in its capacity as aforesaid is well conversant with the facts and circumstances of the instant case which is derived from official records and the deponent is duly Authorized officer and as such competent to swear this Affidavit on behalf of the Respondent herein.

NOTARY NOTARIAL S.K. Gaidwal Advocate & Notary Tehri Garhwal 31/5/25

NOTARY NOTARIAL S.K. Gaidwal Advocate & Notary Tehri Garhwal 31/5/25

Sl. No 19 31/5/25

2. I have gone through the contents of the Petition under reply and list of dates, I have understood the same.

3. That at the outset it is humbly submitted that the petitioner has disclosed true and correct facts pertaining to the subject matter at hand. Therefore, the answering respondent craves the leave of this Hon'ble Court to supplement the same by way of the foregoing preliminary submissions.

4. This Hon'ble Tribunal *vide* order dated 19.11.2024, issued notice to the respondents granting liberty to the Ld. Counsels for submitting their replies by way of affidavit.

5. It is submitted that the present Original Application (OA) pertains to the alleged decline in the population of the Golden/Himalayan Mahseer fish within India's aquatic ecosystem, particularly in the Central and Western Himalayan regions. The Applicants have relied upon various publications, annexed with the OA, to substantiate their claim regarding the rapid decline in the number, scale, and quality of the Golden Mahseer, and have accordingly sought urgent intervention from this Hon'ble Tribunal.

A. PRELIMINARY SUBMISSIONS

6. That Respondent No. 6, THDC India Limited, is a leading power sector and profit-making Public Sector Undertaking and was registered as a Public Limited Company in July 1988

under the Companies Act 1956.That Respondent No. 6 was conferred Mini Ratna Category-I status by the Government of India in October, 2009 and was upgraded to Schedule 'A' PSU in July, 2010.

7. That the case of the Applicants is that the Golden Mahseer is on the verge of extinction, *inter alia,* owing to following factors:

7.1. Urbanization, deforestation, and widespread dam/barrage construction have led to the degradation andfragmentation of Golden Mahseer's natural habitats/ecosystem, impacting their ability to migrate and reproduce;

7.2. Industrial and human pollution. Water pollution from agricultural runoff, industrial discharges, and other sources have negatively impacted Golden Mahseer populations, affecting their health and reproductive success;

7.3. Unsustainable fishing practices, both legal and illegal, have exerted excessive pressure on Mahseer populations, leading to a decline in their numbers;

7.4. Changes in water temperature and flow patterns due to climate change can disrupt Golden Mahseer's breeding and migration patterns, further impacting their survival.

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THDCIL is associated with the Tehri Hydro Power Complex (HPC), a multipurpose scheme situated on the River Bhagirathi, a tributary of the River Ganges. The Tehri HPC comprises three distinct projects, namely the Tehri Hydro Power Plant (Tehri HPP), the Koteshwar Hydro Electric Project (Koteshwar HEP), and the Tehri Pumped Storage Plant (Tehri PSP). These projects serve multiple purposes, including electricity generation, irrigation, drinking water supply, and flood mitigation, thereby contributing significantly to the nation's development.

10. That the aforementioned projects are engineered and constructed to impound excess river flow of River Bhagirathi during monsoon season and subsequently releasing the said stored water to meet irrigation and potable water requirements of the populace residing in the Gangetic plains of the States of Uttarakhand and Uttar Pradesh during non-monsoon periods, while concurrently generating 2400MW of peak electrical power.

11. TheTehri reservoir fulfils manifold functions beyond hydroelectric generation, specifically providing irrigation facilities to an additional agricultural area measuring 270,000 hectares and sustaining the existing irrigated area of 604,000 hectares. Furthermore, the said reservoir ensures potable

water supply to approximately 4 million residents of Delhi and 3 million inhabitants of Uttar Pradesh and Uttarakhand.

12. It is submitted that the Tehri Hydroelectric Power Project constitutes a significant national infrastructure asset and a source of national prestige. After its commissioning, the said project has demonstrably achieved excellence in multiple operational aspects, inter alia: supply of essential drinking and irrigation water to the designated area, meeting critical peak power requirements for the Northern Grid, and achieving significant flood control during heavy rainfall events in the years 2010, 2011, and 2013.

13. It is further submitted that reservoirs created by impoundments provide significant aquatic habitats with stable water sources and consistent temperatures, creating protected environments suitable for fish reproduction, juvenile development, and growth, free from ecological stress caused by overcrowding. These reservoirs enable regulated water level management, reducing the adverse effects of water flow variations that could otherwise disrupt fish breeding cycles.

14. Furthermore, the creation of reservoir ecosystems increases nutritional resources for fish populations through the growth of aquatic plants and invertebrate species. As evidenced by correspondence dated 04.02.2025 from the Department of

Fisheries, Government of Uttarakhand, both the Tehri and Koteshwar reservoirs serve as key conservation habitats for Mahseer species, where these species show a notably high population density. The aforementioned correspondence is annexed herewith and marked as **[Annexure- R1]** for the kind perusal of this Hon'ble Tribunal.

15. The answering respondent, being a responsible corporate entity, hereby affirms its unwavering commitment to the protection and preservation of the environment and ecological systems. It is respectfully submitted that the hydroelectric power project in question does not generate any polluting emissions or discharges during its operational phase, while the associated reservoir functions solely to accumulate water from its designated catchment area. In furtherance of its environmental obligations, the answering respondent conducts regular and systematic monitoring of various environmental parameters pertaining to water quality in both the upstream and downstream regions of the Tehri reservoir. Upon analysis, all such parameters have consistently been found to remain within the permissible limits as prescribed by the applicable regulatory framework.

16. That in accordance with the recommendations of the Hanumanta Rao Committee constituted by the Government of

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India, a *"Post-Impoundment Faunal Survey and Analysis of Tehri Dam Environs"* was conducted by H.N.B. Garhwal University (a Central University), Srinagar, during the period 2009–2011. The study included a comparative analysis of pre- and post-impoundment statuses of freshwater invertebrates, fish, Rhopalocera, amphibians, reptiles, avian species, and mammals, among others. Key observations from the report are as follows:

16.1. **Freshwater Invertebrates Diversity**: An increase in the annual mean density of zooplankton attributable to the impoundment.

16.2. **Fish Diversity**:

a. The proportion of *Schizothorax spp.* has increased from 57.9% to 58.1%.

b. The proportion of *Schizothoraichthysprogastus* has increased from 6.3% to 8.5% of the total fish composition.

c. Mahseer production has shown an increase from 9.1% to 12.8%.

d. The newly introduced *Cyprinuscarpio* now contributes 3.5% to the fish composition, a species absent in the pre-impoundment scenario. This increase is likely due to the expansion of freshwater

habitat dimensions and the introduction of fish seeds into the reservoir.

16.3. **Amphibian Diversity**: No significant adverse impact of the impoundment of the Bhagirathi and Bhilangana rivers on amphibian diversity has been observed. However, the creation of the reservoir has led to a considerable increase in the population of these species in the periphery of the reservoir.

The study indicates that Mahseer production has demonstrated an increase from 9.1% to 12.8%. A copy of the Post-Impoundment Study Report is annexed hereto and marked as **Annexure-R 2** for the kind perusal of this Hon'ble Tribunal.

17. It is hereby submitted that a comprehensive Thermal and Water Quality Modelling study of the Tehri Reservoir was conducted in 1992 by IIT Roorkee (formerly designated as University of Roorkee). The aforesaid study conclusively established that the water released from the reservoir has higher temperatures compared to the incoming water. The maximum temperature difference is around 7°C, mainly occurring during winter months, while in other periods of the year, this difference is significantly reduced. THDCIL's assessment confirms that the warmer water released from

Tehri, after flowing approximately 40 kilometers, mixes with the Alaknanda River at Deoprayag, leading to minimal temperature differences between the incoming and outgoing waters downstream of Deoprayag.

18. That the thermal range of Tehri discharge fluctuates between 12°C and 20°C, which remains entirely suitable for domestic and recreational utilization. Moreover, a scholarly literature review regarding piscine ecology indicates that the elevated water temperatures in discharges from Tehri reservoir extending to Deoprayag will not adversely impact pisciculture. The aforementioned report further confirms that the dissolved oxygen levels in water released from the Tehri reservoir meet the required standards for various water uses, ensuring no harmful effects on aquatic life or downstream activities. A copy of the THDCIL assessment report, accompanied by the IITR report, is annexed herewith and marked as **Annexure- R [3]** for the kind perusal of this Hon'ble Tribunal.

19. As recommended by the Zoological Survey of India ('ZSI'), an action plan for the potential mitigation of Mahseer fish was formulated through M/s Tropical Fisheries Consultants Ltd. and subsequently submitted to the Ministry of Environment and Forests ('MOEF') in 1994. The said Action Plan for

Mahseer fish was implemented in consultation with the Director, National Research Centre on Cold Water Fisheries Station, Indian Council of Agricultural Research (ICAR), Bhimtal. A Mahseer fish hatchery and fish farm site has been established near the Koteshwar Dam, located 20 kilometres downstream of the Tehri Dam.

20. In light of the technical expertise of the State Fisheries Department in seed production and its designation as the holder of "fisheries and aquaculture rights" for the development of fisheries in water bodies within Uttarakhand, the Mahseer hatchery was transferred to the Department of Fisheries, Uttarakhand, on lease through a Memorandum of Understanding (MoU) dated 26.01.2015. It is pertinent to note that, in compliance with the requirements of the Ministry of Environment and Forests (MOEF), a study was conducted by the Zoological Survey of India (ZSI) to evaluate the impact of the reservoir on the local fauna. The report was submitted to the MOEF in 1993.A copy of the Zoological Survey of India report is annexed hereto and marked as **Annexure-R [4]** for the kind perusal of this Hon'ble Tribunal.

21. It is submitted that M/s Tropical Fisheries Consultants Ltd. observed that detailed studies on Mahseer indicate that, as a species, they exhibit remarkable adaptability and can thrive in

diverse environmental conditions across the country. While it was previously understood that Mahseer is predominantly a riverine fish, recent findings demonstrate that Mahseer has also successfully adapted to reservoir ecosystems. Given its omnivorous feeding habits, Mahseer plays a significant role in controlling aquatic weeds, epiphyton, crabs, molluscs, and forage fish within reservoirs.

22. Mahseer has been successfully established in various reservoirs, including Walwhan, Shirwta, Mulshi, and Shivajisagar in Maharashtra; Sukta, Barna, Harsi, Halali, and Gandhisagar in Madhya Pradesh; and Pong and Govindsagar in Himachal Pradesh. Additionally, Mahseer is forming a viable fishery in the lakes of Kumaon. Consequently, it is reasonably presumed that Mahseer could also be established as a fishery in the Tehri and Koteshwar reservoirs, which would serve as new habitats for Mahseer in the Garhwal Himalayas. The report prepared by M/s Tropical Fisheries Consultants Ltd. is annexed hereto and marked as **Annexure-R [5]** for the kind perusal of this Hon'ble Tribunal.

23. To examine the hydrodynamics of the Tehri Reservoir, Mathematical Model Studies were conducted by the Central Water and Power Research Station ('CWPRS'), Pune, a national hydraulic research institute operating under the

Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation ('MoJS', 'DoWR', 'RD&GR'), New Delhi. The findings of the study were submitted in September 2001. The study concluded that the Tehri Reservoir undergoes a complete cycle of storage replenishment on an annual basis. The study further revealed that during the monsoon season, the inflow volume of water, approximately equivalent to the storage below the Minimum Draw Down Level (MDDL), is added to the reservoir within a span of 17 days, thereby replenishing the entire storage below the MDDL within this period. Additionally, the gross storage volume is fully replenished within 67 days of active monsoon. Consequently, the Tehri Reservoir completes its annual cycle of storage replenishment within this timeframe. The report of the study is annexed hereto and marked as **Annexure-R [6]** for the kind perusal of this Hon'ble Tribunal.

24. It is most respectfully submitted that a study titled *"Self-Purification Capacity of River Bhagirathi: Impact of Tehri Dam"* was conducted by the National Environmental Engineering Research Institute (NEERI), Nagpur, over a period of two years (2002–2004). The study concluded that the Tehri Dam does not adversely affect the water quality or the self-purification properties of the Bhagirathi/Ganga River.

The reservoir functions akin to a static container, creating conditions conducive to maintaining water quality. A copy of the report is annexed hereto and marked as **Annexure-R [7]** for the kind perusal of this Hon'ble Tribunal.

25. Additionally, a *"Water Quality Study of Bhagirathi/Ganga River in the Himalayan Region"* was conducted by NEERI, Nagpur, over a period of three years, with the final report submitted in July 2011. The study concluded that the unique characteristic of the Bhagirathi/Ganga River lies in its sediment content, which is more radioactive compared to sediments from other rivers and lakes. These sediments facilitate the proliferation of coliphages under static conditions, which in turn reduce and ultimately eliminate coliforms from the overlying water column. Thus, the Tehri Dam does not impair the water quality or self-purification properties of the Bhagirathi/Ganga River, as the reservoir mimics a static container that supports conditions essential for maintaining water quality. Suspended particles play a significant role in the self-purification of Ganga water. With an average annual flow of 258 cubic meters per second (with suspended sediment concentration of 29.5 mg/l) in the Bhagirathi River and 467 cubic meters per second (with suspended sediment concentration of 32.2 mg/l) in the

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Alaknanda River, there is a substantial contribution of sediments from the Alaknanda River downstream of Deoprayag. The study further indicated that the particulate matter in the Alaknanda River possesses antibacterial properties identical to those of the Bhagirathi River. A copy of the report is annexed hereto and marked as **Annexure-R [8]** for your kind perusal.

26. It is submitted that the daily release of water from the Tehri Hydro Power Complex (HPC) is regulated through the Koteshwar Dam to ensure the mandated environmental flow (e-flow) in the downstream areas of the Tehri HPC throughout the year, in compliance with the Gazette of India Notification dated 09.10.2018, issued by the Ministry of Water Resources, River Development & Ganga Rejuvenation ('MoWRRD&GR'). Adherence to the prescribed e-flow requirements is monitored and reported to the regional office of the Central Water Commission (CWC) on a daily basis. A copy of the Gazette Notification is annexed hereto and marked as **Annexure-R [9]** for your kind perusal.

27. That Mahseer seeds have been periodically collected and stored for the conservation and promotion of Mahseer fish. Over the past five years, Mahseer seeds have been accumulated in various rivers and tributaries, as detailed

below:

Year	2020		2021		2022		2023		2024	
District	Population in Lakhs	Water Stream/ River Name	Population in Lakhs	Water Stream/ River Name	Population in Lakhs	Water Stream/ River Name	Population in Lakhs	Water Stream/ River Name	Population in Lakhs	Water Stream/ River Name
Tehri Garhwal	1.50	Bhagirathi	1.0	Bhilangna	2.0	Kotigad	0.15	Kotigad	1.90	Bhagirathi

28. Fisheries, being a state subject, are regulated by the State Fisheries Department. In recognition of the technical expertise of the State Fisheries Department in seed production and its authority as the holder of "fisheries and aquaculture rights" for the development of fisheries in water bodies located within Uttarakhand, the Mahseer hatchery was transferred to the Department of Fisheries, Uttarakhand, on lease through a Memorandum of Understanding (MoU) dated 26.01.2015.

29. It is submitted that the answering respondent herein has secured the Consolidated Consent to Operate and Authorization from the Uttarakhand Pollution Control Board in compliance with the Water (Prevention and Control of Pollution) Act, 1974, for the Tehri and Koteshwar Hydroelectric Projects, and adheres to the stipulated conditions accordingly. A copy of the Consolidated Consent to Operate and Authorization is annexed hereto and marked

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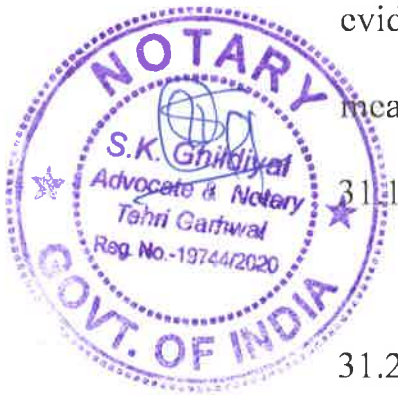
as **Annexure-R [10]** for the kind perusal of this Hon'ble Tribunal.

30. It is most respectfully submitted that the answering respondent, THDC India Limited (THDCIL), has consistently adhered to all statutory and regulatory requirements in the development, operation, and maintenance of the Tehri Hydro Power Complex (HPC), including the Tehri Hydro Power Plant (Tehri HPP), Koteshwar Hydro Electric Project (Koteshwar HEP), and Tehri Pumped Storage Plant (Tehri PSP). The projects have been designed and implemented with due regard to environmental sustainability, ecological balance, and the conservation of aquatic biodiversity, including the Golden/Himalayan Mahseer.

31. The answering respondent reiterates its commitment to environmental protection and sustainable development, as evidenced by the various studies, reports, and compliance measures undertaken, including but not limited to:



31.1. Regular monitoring and maintenance of water quality parameters within permissible limits;

31.2. Implementation of environmental flow (e-flow) requirements in compliance with the Gazette of India Notification dated 09.10.2018;

31.3. Establishment of a Mahseer fish hatchery and fish farm near Koteshwar Dam for the conservation and promotion of Mahseer species;

31.4. Conducting comprehensive studies, including post-impoundment faunal surveys, water quality assessments, and hydrodynamic modelling, to ensure minimal ecological impact;

31.5. Collaboration with reputed institutions such as the Zoological Survey of India (ZSI), National Environmental Engineering Research Institute (NEERI), and Central Water and Power Research Station (CWPRS) to address environmental concerns.

32. The answering respondent respectfully submits that the allegations regarding the decline of the Golden/Himalayan Mahseer population, even if correct, cannot be attributed to the operations of the Tehri HPC. On the contrary, the reservoir ecosystems created by the projects have provided conducive habitats for Mahseer and other aquatic species, as demonstrated by the increase in Mahseer production and the establishment of viable fisheries in the Tehri and Koteshwar reservoirs.

33. The answering respondent further submits that the hydropower projects under its purview serve critical national

interests, including electricity generation, irrigation, drinking water supply, and flood mitigation, while simultaneously contributing to regional economic development and employment generation.

34. In light of the foregoing submissions, the answering respondent respectfully craves the leave of this Hon'ble Tribunal to take on record the detailed submissions and annexures filed herein.

B. PARAWISE REPLY

35. (1) The contents of the corresponding paragraph are a matter of record and merit no response. It is, however, respectfully submitted that the Appellant herein is not directly related to the Hydroelectric projects of THDCIL that are questioned in the OA.

36. (2) The contents of the corresponding paragraph are a matter of record and merit no response. It is, however, respectfully submitted that the Appellant herein is in no manner directly affected by the Hydroelectric projects of THDCIL that are questioned in the OA.

37. (3) The contents of the corresponding paragraph are a matter of record and merit no response.

38. (4) The contents of the corresponding paragraph are a matter of record and merit no response.

39. (5) The contents of the corresponding paragraph are a matter of record and merit no response.

40. (6) The contents of the corresponding paragraph are a matter of record and merit no response.

41. (7) The contents of the corresponding paragraph are a matter of record and merit no response.

42. (8) The contents of the corresponding paragraph are a matter of record and merit no response.

43. (9) It is submitted that the answering respondent has implemented appropriate measures for the conservation of fish populations in the reservoirs of its hydroelectric projects, in compliance with the clearances granted by the erstwhile Ministry of Forests (now: Ministry of Environment, Forest and Climate Change), which is the nodal ministry responsible for granting statutory environmental clearances required for hydroelectric projects.

44. (10) The contents of the corresponding paragraph are a matter of record and merit no response.

45. (11) The contents of the corresponding paragraph are a matter of record and merit no response.

46. (12) The contents of the corresponding paragraph are a matter of record and merit no response.

47. (13) The contents of the corresponding paragraph are a matter of record and merit no response.

48. (14) The contents of the corresponding paragraph are a matter of record and merit no response.

49. (15) The contents of the corresponding paragraph are a matter of record and merit no response.

50. (16) The contents of the corresponding paragraph are a matter of record and merit no response.

51. (17) The contents of the corresponding paragraph are a matter of record and merit no response.

52. (18) The contents of the corresponding paragraph are denied as being incorrect and misleading. A detailed point wise reply is given below:

52.1. (h) The contents of the corresponding paragraph are denied as being incorrect and misleading. It is submitted that hydropower projects are vital to address India's energy needs, supporting power supply, irrigation, and drinking water, while fostering employment and regional development. THDC India Limited (THDCIL) develops and operates the Tehri Hydro Power Complex (HPC) on the River Bhagirathi, comprising the Tehri HPP, Koteshwar HEP, and Tehri PSP. These projects provide electricity, irrigation,

drinking water, and flood control, benefiting national development. The Tehri reservoir stores monsoon flow, releasing it in non-monsoon periods to meet irrigation and drinking water needs in Uttarakhand and Uttar Pradesh, while generating 2400 MW of peak power. It irrigates 270,000 additional hectares, sustains 604,000 hectares of existing land, and supplies drinking water to 7 million residents. The project has excelled in flood mitigation during extreme rainfall in 2010, 2011, and 2013. Reservoirs create stable aquatic habitats, supporting fish reproduction and growth. Regulated water levels mitigate adverse impacts on breeding cycles, while enhanced aquatic flora and fauna provide nutritional resources. As per Uttarakhand Fisheries Department correspondence dated 04.02.2025, the Tehri and Koteshwar reservoirs are key Mahseer conservation habitats, with significant population density. The correspondence is annexed as **Annexure-R [1].** A study was conducted by H.N.B. Garhwal University (a Central University), Srinagar, during the period 2009 2011. The study included a comparative analysis of pre- and post-impoundment statuses of freshwater invertebrates, fish, Rhopalocera,

amphibians, reptiles, avian species, and mammals, among others. The study indicates that Mahseerproduction has demonstrated an increase from 9.1% to 12.8%. A copy of the Post-Impoundment Study Report is annexed hereto and marked as **Annexure - R [2]** for the kind perusal of this Hon'ble Tribunal.

52.2. (i) The contents of the corresponding paragraph are denied as being incorrect and misleading. The answering respondent, being a responsible corporate entity, hereby affirms its unwavering commitment to the protection and preservation of the environment and ecological systems. It is respectfully submitted that the hydroelectric power project in question does not generate any polluting emissions or discharges during its operational phase, while the associated reservoir functions solely to accumulate water from its designated catchment area. In furtherance of its environmental obligations, the answering respondent conducts regular and systematic monitoring of various environmental parameters pertaining to water quality in both the upstream and downstream regions of the Tehri reservoir. Upon analysis, all such parameters have consistently been found to remain within the

permissible limits as prescribed by the applicable regulatory framework.

52.3. (j) The contents of the corresponding paragraph fall outside the purview of THDCIL.

52.4. (k) The contents of the corresponding paragraph are denied for want of knowledge. It is submitted that a comprehensive Thermal and Water Quality Modelling study of the Tehri Reservoir was conducted by IIT Roorkee in 1992. The study established that water released from the reservoir is warmer than incoming water, with a maximum temperature difference of 7°C, primarily in winter, and significantly reduced in other periods. THDCIL's assessment confirms that the warmer water, after flowing 40 kilometers, mixes with the Alaknanda River at Deoprayag, resulting in minimal temperature differences downstream. The discharge temperature ranges between 12°C and 20°C, suitable for domestic and recreational use. Scholarly literature confirms that elevated temperatures do not adversely impact fish ecology. The report also affirms that dissolved oxygen levels in the released water meet required standards, ensuring no harm to aquatic life or

downstream activities. The THDCIL assessment and IITR report are annexed as **Annexure-R [3].**

52.5. (l) The contents of the corresponding paragraph are denied as being incorrect and misleading. As evidenced by correspondence dated 04.02.2025 from the Department of Fisheries, Government of Uttarakhand, both the Tehri and Koteshwar reservoirs serve as key conservation habitats for Mahseer species, where these species show a notably high population density. The aforementioned correspondence is annexed herewith and marked as **Annexure- R [1]**. A study was conducted by H.N.B. Garhwal University (a Central University), Srinagar, during the period 2009–2011, indicating that Mahseer production has increased from 9.1% to 12.8%. A copy of the Post-Impoundment Study Report is annexed hereto and marked as **Annexure-R [2]**.

52.6. (m) The contents of the corresponding paragraph are denied as incorrect and misleading. It is submitted hereinunder:

52.6.1. The Mahseer hatchery was transferred to the Uttarakhand Department of Fisheries on lease via an MoU dated 26.01.2015, recognizing its

expertise in seed production and fisheries development. A ZSI study submitted to MOEF in 1993 assessed the reservoir's impact on local fauna. The ZSI report is annexed as **Annexure-R [4].**

52.6.2. M/s Tropical Fisheries Consultants Ltd. observed that Mahseer is highly adaptable, thriving in diverse environments, including reservoirs. Its omnivorous diet controls aquatic weeds, epiphyton, crabs, molluscs, and forage fish.

52.6.3. Mahseer has been established in reservoirs like Walwhan, Shirwta, Mulshi, Shivajisagar (Maharashtra); Sukta, Barna, Harsi, Halali, Gandhisagar (Madhya Pradesh); and Pong, Govindsagar (Himachal Pradesh), as well as Kumaon lakes. It is presumed Mahseer can establish fisheries in Tehri and Koteshwar reservoirs. The report is annexed as **Annexure-R [5].**

52.6.4. CWPRS, Pune, conducted Mathematical Model Studies on Tehri Reservoir's hydrodynamics. The 2001 study found that the reservoir replenishes annually, with storage below MDDL restored in

17 days during monsoon season and gross storage in 67 days. The report is annexed as **Annexure-R [6].**

52.6.5. A 2002–2004 NEERI study concluded the Tehri Dam does not impair water quality or self-purification, functioning as a static container. The report is annexed as **Annexure-R [7].**

52.6.6. A 2011 NEERI study highlighted Bhagirathi/Ganga's unique radioactive sediments, promoting coliphages that reduce coliforms. The dam does not hinder water quality or self-purification, with significant sediment contributions from the Alaknanda River downstream of Deoprayag. The report is annexed as **Annexure-R [8].**

52.6.7. As evidenced by correspondence dated 04.02.2025 from the Department of Fisheries, Government of Uttarakhand, both the Tehri and Koteshwar reservoirs serve as key conservation habitats for Mahseer species, where these species show a notably high population density. The aforementioned correspondence is annexed herewith and marked as **Annexure- R [1]**.

52.7. (n) The statement made in the corresponding paragraph does not pertain to THDCIL. It is, however, submitted that the Department of Fisheries, Uttarakhand, which holds the fisheries and aquaculture rights in the state, has informed vide their letter dated 04.02.2025 that warnings have been issued to prohibit the use of any chemicals and explosives in the reservoirs. A copy of the letter is annexed hereto and marked as **Annexure-R [1]** for reference.

53. (19) The contents of the corresponding paragraph are a matter of record and merit no response.

54. (20) The contents of the corresponding paragraph are a matter of record and merit no response.

55. (21) The contents of the corresponding paragraph fall outside the purview of THDCIL.

56. (22) The contents of the corresponding paragraph are denied as incorrect and misleading. In light of the technical expertise of the State Fisheries Department in seed production and its designation as the holder of "fisheries and aquaculture rights" for the development of fisheries in water bodies within Uttarakhand, the Mahseer hatchery was transferred to the Department of Fisheries, Uttarakhand, on lease through a Memorandum of Understanding (MoU) dated 26.01.2015. It

is pertinent to note that, in compliance with the requirements of the Ministry of Environment and Forests (MOEF), a study was conducted by the Zoological Survey of India (ZSI) to evaluate the impact of the reservoir on the local fauna. The report was submitted to the MOEF in 1993. A copy of the Zoological Survey of India report is annexed hereto and marked as **Annexure-R [4].** As evidenced by correspondence dated 04.02.2025 from the Department of Fisheries, Government of Uttarakhand, both the Tehri and Koteshwar reservoirs serve as key conservation habitats for Mahseer species, where these species show a notably high population density. The aforementioned correspondence is annexed herewith and marked as **Annexure- R [1]**. A study was conducted by H.N.B. Garhwal University (a Central University), Srinagar, during the period 2009–2011, indicating that Mahseer production has increased from 9.1% to 12.8%. A copy of the Post-Impoundment Study Report is annexed hereto and marked as **Annexure-R [2]**.

57. (23) The contents of the corresponding paragraph are denied as incorrect and misleading for the reasons mentioned above. The same is not repeated herein for the sake of brevity.

58. (24) The contents of the corresponding paragraph are denied as incorrect and misleading.

58.1. (i) The contents of the corresponding paragraph fall outside the purview of THDCIL.

58.2. (ii) The contents of the corresponding paragraph fall outside the purview of THDCIL.

58.3. (iii) It is submitted that The Ministry of Environment, Forest and Climate Change (MoEF&CC) grants Environmental Clearance (EC) for projects, a mandatory requirement for most developmental projects, including hydroelectric projects. The EC process necessitates the project proponent to conduct an Environmental Impact Assessment (EIA) to demonstrate that the proposed project will not cause significant environmental harm and to outline mitigation measures for potential adverse impacts. While granting clearance for the Tehri project, the Ministry of Environment and Forests, vide letter dated 19.07.1990, imposed specific conditions requiring certain studies to be conducted. Based on their findings, action plans were to be formulated and implemented concurrently with the project's construction.

58.4. As per MOEF stipulations, a study by the Zoological Survey of India (ZSI) assessed reservoir impact on

fauna, with the report submitted in 1993. Based on ZSI's recommendations, an action plan for Mahseer fish mitigation was prepared by M/s Tropical Fisheries Consultants Ltd. and submitted to MOEF in 1994. Implementation was undertaken in consultation with the Director, National Research Centre on Cold Water Fisheries Station, ICAR, Bhimtal. A Mahseer fish hatchery and farm were established near Koteshwar Dam (20 km downstream of Tehri Dam).

58.5. Owing to the State Fisheries Department's expertise in seed production and its fisheries and aquaculture rights in Uttarakhand, the Mahseer hatchery was transferred to it on lease via an MoU dated 26.01.2015.

58.6. Biodiversity, a key indicator of ecosystem health, was assessed through a post-impoundment faunal survey conducted by H.N.B. Garhwal University (2009–2011) as per the Hanumanta Rao Committee's (1998) recommendations. The study compared pre- and post-impoundment statuses of freshwater invertebrates, fish, Rhopalocera, amphibians, reptiles, avian species, and mammals. Key findings include:

- Increased zooplankton density due to impoundment.

- Rise in *Schizothorax spp.* (57.9% to 58.1%) and *Schizothoraichthysprogastus* (6.3% to 8.5%).

- Mahseer production increased from 9.1% to 12.8%.

- *Cyprinuscarpio*, newly introduced, now contributes 3.5% to fish composition.

- No adverse impact on amphibian diversity; populations increased near the reservoir.

The Post-Impoundment Study Report is annexed as **Annexure-R [2].** The Department of Fisheries, Uttarakhand, in its letter dated 04.02.2025, confirmed that Tehri and Koteshwar reservoirs are primary Mahseer conservation sites, with abundant populations. The letter is annexed as **Annexure-R [1]**

58.7. (iv) The contents of the corresponding paragraph are denied as incorrect and misleading for the reasons mentioned above. The same is not repeated herein for the sake of brevity.

58.8. (v) The contents of the corresponding paragraph fall outside the purview of THDCIL.

58.9. (vi) The contents of the corresponding paragraph fall outside the purview of THDCIL.

58.10. (vii) The contents of the corresponding paragraph fall outside the purview of THDCIL.

58.11.(viii) The contents of the corresponding paragraph fall outside the purview of THDCIL.

59. (25) The contents of the corresponding paragraph are a matter of record and merit no response.

60. (26) The contents of the corresponding paragraph are denied in toto as incorrect and misleading for the reasons stated in Paras 58.3, 58.4, 58.5 and 58.6 of this reply affidavit. The same is not repeated herein for the sake of brevity.

61. (27) The contents of the corresponding paragraph are denied as incorrect and misleading for the reasons mentioned above. The same is not repeated herein for the sake of brevity.

62. (28) The contents of the corresponding paragraph are denied as incorrect and misleading. It is submitted that the daily release of water from the Tehri Hydro Power Complex (HPC) is regulated through the Koteshwar Dam to ensure the mandated environmental flow (e-flow) in the downstream areas of the Tehri HPC throughout the year, in compliance with the Gazette of India Notification dated 09.10.2018, issued by the Ministry of Water Resources, River Development & Ganga Rejuvenation ('MoWRRD&GR'). Adherence to the prescribed e-flow requirements is monitored and reported to the regional

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office of the Central Water Commission (CWC) on a daily basis. A copy of the Gazette Notification is annexed hereto and marked as **Annexure-R [9];** and for reasons mentioned in Para 52.5 of this reply affidavit. The same is not repeated herein for the sake of brevity.

63. (29) The contents of the corresponding paragraph fall outside the purview of THDCIL.

64. (30) The contents of the corresponding paragraph are denied in toto as incorrect and misleading for the reasons stated in Paras 52.1, 52.6, 58.3, 58.4, 58.5 and 58.6 of this reply affidavit. The same is not repeated herein for the sake of brevity.

65. (31) The contents of the corresponding paragraph are a matter of record and merit no response.

66. (32) The contents of the corresponding paragraph are denied in toto as incorrect and misleading for the reasons stated in Paras 52.5 of this reply affidavit. The same is not repeated herein for the sake of brevity.

67. (33) The contents of the corresponding paragraph are a matter of record and merit no response.

68. (34) The contents of the corresponding paragraph are a matter of record and merit no response.

69. (35) The contents of the corresponding paragraph are a matter of record and merit no response.

70. (36) The contents of the corresponding paragraph are denied in toto as incorrect and misleading for the reasons stated in Paras 52.1, 52.6, 58.3, 58.4, 58.5 and 58.6 of this reply affidavit. The same is not repeated herein for the sake of brevity.

71. (37) The contents of the corresponding paragraph are a matter of record and merit no response.

72. (38) The contents of the corresponding paragraph are a matter of record and merit no response.

73. (39) The contents of the corresponding paragraph are denied for want of knowledge. A detailed reply is stated in Paras 52.1, 52.6, 58.3, 58.4, 58.5 and 58.6 of this reply affidavit. The same is not repeated herein for the sake of brevity.

74. (40) The contents of the corresponding paragraph are denied for want of knowledge. A detailed reply is stated in Paras 52.1, 52.6, 58.3, 58.4, 58.5 and 58.6 of this reply affidavit. The same is not repeated herein for the sake of brevity.

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75. (41) The contents of the corresponding paragraph fall outside the purview of THDCIL.

76. (42) The contents of the corresponding paragraph are a matter of record and merit no response.

77. (43) The contents of the corresponding paragraph are a matter of record and merit no response.

78. (44) The contents of the corresponding paragraph are a matter of record and merit no response.

79. (45) The contents of the corresponding paragraph are a matter of record and merit no response.

80. (46) (l) The contents of the corresponding paragraph fall outside the purview of THDCIL.

81. (46) (m) It is submitted by the answering respondent that for reasons already specified in, but not limited to, Para 56 of this reply affidavit. Mahseer seeds have been periodically collected and stored for the conservation and promotion of Mahseer fish. Over the past five years, Mahseer seeds have been accumulated in various rivers and tributaries, as detailed below:

Year	2020		2021		2022		2023		2024	
District	Population in Lakhs	Water Stream/ River Name	Population in Lakhs	Water Stream/ River Name	Population in Lakhs	Water Stream/ River Name	Population in Lakhs	Water Stream/ River Name	Population in Lakhs	Water Stream/ River Name
Tehri Garhwal	1.50	Bhagirathi	1.0	Bhilangna	2.0	Kotigad	0.15	Kotigad	1.90	Bhagirathi

82. (46) (n) It is submitted that the daily release of water from the Tehri Hydro Power Complex (HPC) is regulated through the Koteshwar Dam to ensure the mandated environmental flow (e-flow) in the downstream areas of the Tehri HPC

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throughout the year, in compliance with the Gazette of India Notification dated 09.10.2018, issued by the Ministry of Water Resources, River Development & Ganga Rejuvenation ('MoWRRD&GR'). Adherence to the prescribed e-flow requirements is monitored and reported to the regional office of the Central Water Commission (CWC) on a daily basis. A copy of the Gazette Notification is annexed hereto and marked as **Annexure-R [9].**

83. (46) (o) The contents of the corresponding paragraph fall outside the purview of THDCIL.

84. (46) (p) The contents of the corresponding paragraph fall outside the purview of THDCIL.

85. (46) (q) It is submitted that the Department of Fisheries, Uttarakhand, is undertaking necessary activities for the promotion and conservation of fisheries. In this regard, a copy of the letter from the Department of Fisheries, Uttarakhand, is annexed hereto and marked as **Annexure-R [1]** for reference.

86. (46) (r) It is submitted that the answering respondent is in no way tampering with the ecological processes of natural waters for reasons mentioned in Paras 52.6, 58.3, 58.4, 58.5 and 58.6 of this reply affidavit. The same is not repeated herein for the sake of brevity.

87. (46) (s) It is submitted that the Department of Fisheries, Uttarakhand, is undertaking necessary activities to create awareness and foster a sense of responsibility towards the protection of Mahseer. In this regard, a copy of the letter from the Department of Fisheries, Uttarakhand, is annexed hereto and marked as **Annexure-R [1]** for reference.

88. (46) (t) The contents of the corresponding paragraph fall outside the purview of THDCIL.

89. (46) (u) The contents of the corresponding paragraph are wholly denied. The appellants' submissions for the removal of all dams/barrages are vehemently denied in their entirety. THDCIL operates its projects in strict compliance with all applicable laws and regulations. Prior to initiating any project, THDCIL obtains all necessary clearances and permissions from relevant authorities, including the Central Electricity Authority (CEA), the Central Water Commission (CWC), and various departments of the Central and State Governments. Importantly, THDCIL secures environmental clearance from the Ministry of Environment, Forest and Climate Change (MoEF&CC), which involves comprehensive environmental impact assessments and mitigation plans. As per MOEF stipulations, a study was conducted by the Zoological Survey of India (ZSI) to assess

the impact of the reservoir on fauna. The report was submitted to MOEF in 1993 and is annexed hereto as **Annexure-R [4]** for reference. Additionally, for reasons mentioned in Para 52.6 of this reply affidavit, the answering respondent denies the corresponding paragraph as incorrect and misleading. The same has not been repeated for the sake of brevity.

90. (46) (v) The contents of the corresponding paragraph fall outside the purview of THDCIL.

91. (47) (i) It is submitted that Fisheries, being a state subject, are regulated by the State Fisheries Department. In recognition of the technical expertise of the State Fisheries Department in seed production and its authority as the holder of "fisheries and aquaculture rights" for the development of fisheries in water bodies located within Uttarakhand, the Mahseerhatchery was transferred to the Department of Fisheries, Uttarakhand, on lease through a Memorandum of Understanding (MoU) dated 26.01.2015. It is clarified that no specific laws have been violated, as this matter does not pertain to the answering Respondent, THDCIL.

92. (47) (ii) It is submitted that for reasons mentioned in Para 91, the answering respondent is not in breach of any law. The same is not repeated herein for the sake of brevity.

93. (47) (iii) The contents of the corresponding paragraph fall outside the purview of THDCIL.

94. (47) (iv) THDCIL has secured the Consolidated Consent to Operate and Authorization from the Uttarakhand Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974, for the Tehri and Koteshwar Hydroelectric Projects and is in compliance with the stipulated conditions. A copy of the Consolidated Consent to Operate and Authorization is annexed hereto and marked as **Annexure-R [10]** for reference.

C. REPLY TO SUBSTANTIAL QUESTIONS OF ENVIRONMENT

95. (A) It is submitted that the answering respondent has implemented appropriate measures to conserve fish populations in the reservoirs of its hydroelectric projects, in compliance with the clearances granted by the Ministry of Environment, Forest and Climate Change (MoEF&CC), the nodal ministry responsible for granting statutory environmental clearances for hydroelectric projects. The implementation of the Action Plan for Mahseer fish was

undertaken in consultation with the Director, National Research Centre on Cold Water Fisheries Station, ICAR, Bhimtal. A Mahseer fish hatchery and fish farm were established near Koteshwar Dam, located 20 kilometers downstream of the Tehri Dam. In light of the technical expertise of the State Fisheries Department in seed production and its authority as the holder of "fisheries and aquaculture rights" for the development of fisheries in water bodies within Uttarakhand, the Mahseer hatchery was transferred to the Department of Fisheries, Uttarakhand, on lease through a Memorandum of Understanding (MoU) dated 26.01.2015. The answering respondent has obtained all requisite statutory clearances from the relevant authorities for the implementation of the project. Additionally, measures to support aquatic ecology in the reservoir, including various studies conducted through expert agencies, have been implemented.

96. (B) It is submitted that the question in the corresponding paragraph holds no water for the reasons mentioned in Para 95 of this reply affidavit. The same is not repeated herein for the sake of brevity.

97. (C) The contents of the corresponding paragraph fall outside the purview of THDCIL.

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98. (D) The contents of the corresponding paragraph fall outside the purview of THDCIL.

99. (E) The contents of the corresponding paragraph fall outside the purview of THDCIL.

D. REPLY TO GROUNDS

100. (A) The contents of the corresponding ground are denied as incorrect. As evidenced by correspondence dated 04.02.2025 from the Department of Fisheries, Government of Uttarakhand, both the Tehri and Koteshwar reservoirs serve as key conservation habitats for Mahseer species, where these species show a notably high population density. The aforementioned correspondence is annexed herewith and marked as **Annexure- R [1]**. A study was conducted by H.N.B. Garhwal University (a Central University), Srinagar, during the period 2009–2011, indicating that Mahseer production has increased from 9.1% to 12.8%. A copy of the Post-Impoundment Study Report is annexed hereto and marked as **Annexure-R [2]**.

101. (B) The contents of the corresponding ground are denied as incorrect. A systematic and precautionary approach has been adopted since the inception of the Tehri and Koteshwar projects. Accordingly, a Mahseer fish hatchery was constructed and made operational, which is currently

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managed by the Department of Fisheries, Uttarakhand, following its transfer under a Memorandum of Understanding (MoU) dated 26.01.2015. With the necessary interventions, Mahseer continues to thrive in THDCIL's project area, as evidenced by **Annexure – R[1]** and **Annexure – R[2],** annexed with this reply affidavit.

102. (C) The contents of the corresponding paragraph fall outside the purview of THDCIL.

103. (D) The contents of the corresponding ground are denied as incorrect. It is submitted that the Ministry of Environment and Forests (MoEF), Government of India, granted Environmental Clearance to the Tehri Dam Project vide letter dated 19th July 1990. In compliance with MoEF stipulations, various studies, including assessments of potential impacts on flora and fauna, were conducted through the Botanical Survey of India (BSI) and Zoological Survey of India (ZSI), respectively. As recommended by ZSI, an action plan for mitigating the impact on Mahseer fish was prepared by M/s Tropical Fisheries Consultants Ltd. and submitted to MoEF in 1994. The consultants suggested that, given the impracticality of fish ladders/passes for Mahseer, the optimal approach is to establish fish seed farms for breeding, raising stock, and

releasing them into natural streams, rivers, and reservoirs. The report of M/s Tropical Fisheries Consultants Ltd. is annexed hereto as **Annexure - R[5].** Additionally, for reasons mentioned in, but not limited to, Para 52.5 in the reply affidavit, the contents of the corresponding ground are denied in toto. The same is not repeated herein for the sake of brevity.

104. (E) The contents of the corresponding paragraph fall outside the purview of THDCIL.

105. (F) The contents of the corresponding ground are denied as incorrect for reasons already mentioned in, but not limited to, Para 82 of this reply affidavit. The same is not repeated herein for the sake of brevity. In its April 1994 report on the action plan for mitigating the potential impact on Mahseer fishery due to the construction of the Tehri Dam, M/s Tropical Fisheries Consultancy Services stated that while dam construction reduces downstream river flow, leading to a decline in riverine capture fishery, the benefits from fish production facilities in reservoirs, ponds, and tanks more than compensate for this loss. M/s Tropical Fisheries Consultants Ltd. observed that Mahseer, as a species, exhibits remarkable adaptability and can thrive in diverse environments across the country. Furthermore, during the

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adaptation process, Mahseer may have explored new feeding and spawning grounds in the tributaries and streams joining the main river downstream of the Tehri Dam.

106. (G) The contents of the corresponding paragraph fall outside the purview of THDCIL.

107. (H) The contents of the corresponding ground are denied as incorrect for reasons already mentioned in, but not limited to, Para 52.5 of this reply affidavit. The same is not repeated herein for the sake of brevity.M/s Tropical Fisheries Consultants Ltd. observed that detailed studies on Mahseer indicate that, as a species, they are highly adaptable and can thrive in diverse environments across the country. Apart from the Bhagirathi River, the Tehri reservoir is fed by major tributaries such as the Bhilangana, Jalkur, and Balganga rivers. These tributaries provide ample silt-free, stony substratum, facilitating upstream migration of Mahseer through rapids.

108. (I) The contents of the corresponding ground are denied as incorrect for reasons already mentioned in, but not limited to, Paras 52.1 and 58.6 of this reply affidavit. The same is not repeated herein for the sake of brevity.

109. (J) The contents of the corresponding paragraph are a matter of record and merit no response.

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110. (K) The contents of the corresponding paragraph fall outside the purview of THDCIL.

111. (L) The contents of the corresponding paragraph fall outside the purview of THDCIL.

112. (M) The contents of the corresponding paragraph fall outside the purview of THDCIL.

113. (N) The contents of the corresponding ground are denied as incorrect for reasons already mentioned in, but not limited to, Paras 52.6.1, 52.6.2 and 52.6.3 of this reply affidavit. The same is not repeated herein for the sake of brevity.

114. That in the view of the above submissions made, the present petition is, therefore, liable to be dismissed.

115. That the deponent craves leave of this Hon'ble Court to file further affidavits/documents/applications as and when required.

DEPONENT

L. P. JOSHI
Executive Director (TC)
THDC India Ltd Tehri

NOTARY
S.K. Ghildiyal
Advocate & Notary
Tehri Garhwal
Reg. No.-19744/2020
GOVT. OF INDIA

VERIFICATION

I, the above-named Deponent, do hereby verify that the contents of para 1 to ___ are true to my knowledge and the rest of the paras are true to my knowledge being based on official record. No part of it is false and nothing material has been concealed therefrom.

Verified at New Tehri on this, the 31 day of May 2025

Identified By Me

वरिष्ठ प्रबन्धक (पर्यावरण)
Senior Manager (Environment)
टीएचडीसी इण्डिया लिमिटेड,टिहरी
THDC India Limited, Tehri

L. P. JOSHI
Executive Director (TC)
THDC India Ltd Tehri

NOTARY
S.K. Ghildiyal
Advocate & Notary
Tehri Garhwal
Regd. No. 19164/2020
GOVT. OF INDIA

Sworn Solemnly Affirmed by the Deponent Sh. Laxmi Prasad Joshi, presently as Executive Director (LT/C) T.H.D.C India Ltd, Teni S/o Late Sh. Vidhya Dutt Joshi Identified by Sh. Jagdish Singh Rawat Sr. Manager Environment T.H.D.C. B. Puram on dt. 31/5/25

(S.K. Ghildiyal)
Advocate & Notary
Court Compound, New Tehri
Tehri Garhwal
31/5/25

THDC INDIA LIMITED

(Schedule - 'A' Mini Ratna Goverment PSU)

Bhagirathipuram, Tehri Garhwal, Uttarakhand

ID Cad No. : 1154
Name : **Laxmi Prasad Joshi**
Designation : **Executive Director (T.C.)**
Employee No. : **2293676**
Validity : **28-Feb-2027**

Signs as :-

Issuing Authority

Date of Birth : 28-Feb-1967 | **Blood Group : B+**

L. P. JOSHI
Executive Director (TC)
THDC India Ltd Tehri

Address : Executive Director Residence, Bhagirathipuam, Tehri Garhwal- 249124 (U.K.)

Phone No. : 9411109427

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NOTARY
S.K. Ghildiyal
Advocate & Notary
Tehri Garhwal
Reg. No.-19744/2020
GOVT. OF INDIA

ATTESTED
(S.K. Ghildiyal)
Advocate & Notary
Court Compound, New Tehri
Reg. No.-19744/2020
31/5/25