

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

Review Application No. 46/2019

IN

Original Application No. 48/2019

Vatti Vasanth Kumar

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

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**Joint Chief Environmental Engineer
A.P.POLLUTION CONTROL BOARD
ZONAL OFFICE
VIBAKHAPATNAM**

**COMMITTEE REPORT OF CENTRAL POLLUTION CONTROL BOARD,
ANDHRA PRADESH POLLUTION CONTROL BOARD, ANDHRA PRADESH
STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY AND
DISTRICT COLLECTOR, WEST GODAVARI IN THE MATTER OF RA NO.
46/2019 IN OA 48/2019 (PB) RELATED TO PATTISAM LIFT IRRIGATION
SCHEME, CHINTHALAPUDI LIFT IRRIGATION SCHEME AND GODAVARI
PENNAR RIVER INTERLINKING SCHEME ANDHRA PRADESH AS PER THE
HON'BLE NGT ORDERS DATED 09.09.2020.**



Submitted To

HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

June, 2021



**పశ్చిమ గోదావరి జిల్లా
WEST GODAVARI DISTRICT**



I Preamble

Environmental Clearance was granted to Polavaram Irrigation Project in 2005 and amended in 2009. Since Polavaram project was getting delayed, State of Andhra Pradesh in 2015 envisaged Pattisam Lift Irrigation Scheme and Purushothampatnam Lift Irrigation Scheme as part of Polavaram Irrigation Project for drawl and lifting of water from River Godavari, near Pattiseema & Purushothapatnam villages respectively. State of Andhra Pradesh in the year 2010 undertook Chinthalapudi Lift Irrigation scheme as an independent project (not connected with Polavaram project) without obtaining EC. But however Environmental Clearance (EC) as per the procedure laid down in the Environment Impact Assessment (EIA) Notification, 2006 was neither obtained for Pattisam, Purushothapatnam and Chinthalapudi Lift Irrigation Schemes nor the EC granted to Polavaram project scheme was amended. In total the projects were constructed without obtaining any Clearance from MOEFCC. MoEFCC has clarified that the projects Pattisam Lift Irrigation Scheme, Purushothampatnam Lift Irrigation Scheme and Chinthalapudi Lift Irrigation schemes require EC. Pattisam LIS was completed in 2015 and commissioned in 2015. Purshothpattinam LIS was completed during 2017 and commissioned during 2018 (trial run conducted during 2017) while Chinthalapudi LIS is under construction (50% of the work is completed) while Godavari-Pennar river interlinking projects is under initial stages of construction. Since the projects are completed without EC, Hon'ble NGT vide order dated 09.09.2020 has constituted a Committee of CPCB, State PCB, SEIAA, Andhra Pradesh and District Magistrate, Andhra Pradesh to determine the extent of damage caused and the amount of compensation liable to be paid to the affected persons.

II Orders of the Tribunal

OA 175/2018 (PB) with OA 350/2018 (PB) are pertaining to the issue of Purushothapatnam Lift Irrigation Scheme. RA 46/2019 in OA 48/2019 is pertaining to Pattiseema Lift Irrigation Scheme, Purushothampatnam Lift Irrigation Scheme, Chintalapudi Lift Irrigation Scheme and Godavari –Pennar Rivers Linking Project. Hon'ble NGT P.B in the matter of OA 175/2018 (PB) with OA 350/2018 (PB) and RA 46/2019 in OA 48/2019 has constituted the Committee of CPCB, State PCB, SEIAA, Andhra Pradesh and District Magistrate, Andhra Pradesh to determine extent of damage caused due to construction of these projects without Environmental Clearance.

Hon'ble NGT order in the matter of OA 175/2018 (PB) with OA 350/2018 (PB)

Hon'ble NGT vide order dated 09.09.2020 has directed that "Since it has been found that EC is necessary, a Committee of CPCB, State PCB, SEIAA, Andhra Pradesh and District Magistrate, Andhra Pradesh may determine the extent of damage caused and the amount of compensation liable to be paid to the affected persons and furnish a report to this Tribunal within six months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The State PCB will be nodal agency for coordination and compliance.

Hon'ble NGT order in the matter of RA 46/2019 in OA 48/2019

In view of order passed today in OA 175/2018, Jammula Choudharaiah & Anr. v. Union of India & Ors., in the present case also, the same Committee may determine the amount of compensation and furnish its report. Since the projects have already been completed, the project proponent may apply for EC, prepare the EIA/EMP which may be evaluated by the MoEF&CC and decision on the issue of grant of EC and conditions subject to which such EC is to be granted may be taken. The application may be made within one month and further steps taken expeditiously and completed as far as possible within six months.

Copy of Hon'ble NGT orders is in the matter of OA 175/2018 (PB) with OA 350/2018 (PB) and RA 46/2019 in OA 48/2019 is enclosed as **Annexure-Ia & Ib** respectively.

III Composition of the Committee

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

1. Collector and District Magistrate, West Godavari District
2. Prof. P. Jagannadha Rao, Dept. of Chemical Engineering, Andhra University, Visakhapatnam representing Andhra Pradesh State Environment appraisal Committee
3. Smt. Mahima T, Scientist-D, Central Pollution Control Board, Regional Directorate, Chennai
4. Sh. T. Rajendra Reddy, JCEE & Zonal Officer, Andhra Pradesh Pollution Control Board, Visakhapatnam (Nodal agency)

IV Scope of the Committee

The committee's mandate is to assess damage on the environment and the amount of compensation liable to be paid to the affected persons on account of constructing Purshothpattinam lift Irrigation scheme, Pattiseema LIS, Chinthalapudi LIS and Godavari-Pennar river interlinking projects without obtaining Environmental Clearance from MOEFCC. Carrying out Environmental Impact Assessment is a pre-requisite to obtaining EC, once EIA is carried out, Environmental Management Plan is prepared to mitigate or nullify the impacts. In the present scenario since no EMP was prepared to prevent or mitigate the impacts, the committee has to ascertain the damages by means of available information

The committee convened its first meeting online on 16.11.2020. The committee made a preliminary visit during 15-12-2020 to 16-12-2020. The committee carried out detailed investigation of project site during February 22nd to 25th, 2021.

In the matter of OA 175/2018 with 350/2018 the committee has already submitted a report to Hon'ble NGT. Hence the other three projects are detailed in the report. Status of the projects:

Component	Present status	% work completed	Status of Committee visit to the project visit
Purshothpattinam lift Irrigation scheme	Land acquisition, construction and commissioning Completed.	100 %	The committee visited the project site. Information furnished by PP. Committee report prepared.
Pattiseema LIS	Land acquisition, construction and commissioning Completed.	100 %	The committee visited the project site. Information furnished by PP. Committee report prepared.
Chinthalapudi LIS	Under construction. 80% Land acquisition completed. 50% construction completed	50%	The committee visited the project site. Complete information yet to be furnished by PP.
Godavari-Pennar	Ground Clearance		Due to ongoing Covid crisis

river interlinking projects	Completed. Initial stages of construction		the committee is yet to visit project site.
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V About Pattisam Lift Irrigation Scheme (PLIS)

Presently, the allocated share of river Krishna water is drawn from Srisaillam reservoir and is distributed between Krishna-Delta and Rayalaseema regions due to which the entire water needs of both the regions are not fulfilled. The PP informed that Govt of Andhra Pradesh executed Pattisam LIS to supplement water into Prakasam Barrage pond (on the Krishna River), from the Godavari River during monsoon months. Pattisam Lift scheme would enable to fulfil the irrigation and industrial water needs of Krishna delta region by river Godavari and save water of the Krishna River. The Krishna water thus saved in Krishna Delta region is retained in Srisaillam Reservoir and then diverted to Rayalaseema region through the existing schemes of HNSS, GNSS, Telugu Ganga projects.

Pattisam Lift Irrigation scheme is constructed near Bangarammapeta village, Polavaram (M) in West Godavari district. Under this scheme, during monsoon 80 TMC of surplus water from river Godavari is lifted and then diverted into Prakasham barrage through Polavaram right main canal. The estimated life of Pattisam project is till the completion of Polavaram project. This project was completed in a record time 5 ½ months and has thereby become the first of such irrigation type projects in the country to be completed in time without any budget enhancements. It also holds a record in Limca Book of Records.

Sl. No.	Details of the Project	
1.	Objective of Project	Diversion of 80 TMC of water from river Godavari to river Krishna during Khariff season by using existing infrastructure of Polavaram right main canal from River Godavari
2.	Project location	17°13'38"N 81°38'14."E On River Godavari near Pattiseema (V) Polavaram (M), W.G.Dist
3.	Date of start of project	The project was envisaged in January, 2015 and prime construction was completed in record time of 5 ½ months

		and commissioned in 2015 however minor construction and other associated works have stretched upto 2016.
4.	Date of completion	18.09.2015
5.	Reservoir capacity (TMC)	<p>It is a pumping scheme to divert 80 TMC of water from River Godavari to river Krishna by utilizing the infrastructure of Polavaram irrigation project Right Main Canal. The PP claims that the project was envisaged to take early benefits of Polavaram project.</p> <p>From discussion with PP, the committee understood that Presently the water requirement of Vijayawada is met by River Krishna and by undertaking Pattiseema project Govt of AP wanted to meet the water requirement of vijayawada by River Godavari and they intended to utilize the allocated share of River Krishna in Rayalaseema regions of A.P(the dry regions of A.P) By doing this, State of AP within their allocated share of water from River Krishna and River Godavari will be able to meet the water requirements in the State. Further since surplus Godavari water during monsoon which was joining the sea is lifted into upstream regions, State of AP is considering this as their allocated share. Due to delay in construction of Head works of Polavaram project and to yield early benefits of Polavaram project; Pattiseema project has been constructed to divert 80 TMC of water to utilize huge infrastructure built (Right Main Canal) under Polavaram Project which is supposed to be diverted by gravity after completion of Polavaram project Head works and hence it is within allocated share.</p> <p>Land excavation and construction of the project is completed and commissioned during 2015 however project was inaugurated during March, 2016</p>
6.	Canal Length (km)	Nil

7.	River from where water is drawn and quantity of water pumped	<p>River Godavari is diverted into Krishna delta region.</p> <p>Flood water during rainy season</p> <table border="1" data-bbox="719 309 1465 920"> <thead> <tr> <th data-bbox="719 309 842 472">Year</th> <th data-bbox="842 309 1142 472">Water diverted in TMC using Pattisam project</th> <th data-bbox="1142 309 1465 472">Remarks</th> </tr> </thead> <tbody> <tr> <td data-bbox="719 472 842 533">2015</td> <td data-bbox="842 472 1142 533">4.2004</td> <td data-bbox="1142 472 1465 533">Trial run</td> </tr> <tr> <td data-bbox="719 533 842 593">2016</td> <td data-bbox="842 533 1142 593">55.7523</td> <td data-bbox="1142 533 1465 593"></td> </tr> <tr> <td data-bbox="719 593 842 654">2017</td> <td data-bbox="842 593 1142 654">105.8055</td> <td data-bbox="1142 593 1465 654" rowspan="2">Exceeded the limit of 80 TMC</td> </tr> <tr> <td data-bbox="719 654 842 714">2018</td> <td data-bbox="842 654 1142 714">96.9427</td> </tr> <tr> <td data-bbox="719 714 842 775">2019</td> <td data-bbox="842 714 1142 775">42.9427</td> <td data-bbox="1142 714 1465 775" rowspan="2">Floods in River Krishna and Prakasham barrage was full</td> </tr> <tr> <td data-bbox="719 775 842 920">2020</td> <td data-bbox="842 775 1142 920">41.5424</td> </tr> </tbody> </table>	Year	Water diverted in TMC using Pattisam project	Remarks	2015	4.2004	Trial run	2016	55.7523		2017	105.8055	Exceeded the limit of 80 TMC	2018	96.9427	2019	42.9427	Floods in River Krishna and Prakasham barrage was full	2020	41.5424
Year	Water diverted in TMC using Pattisam project	Remarks																			
2015	4.2004	Trial run																			
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2020	41.5424																				
8.	Land Acquired	<p>The total land requirement is 162.19 acres out of which 149.51 acres is agricultural land and 12.68 is Government land. Black gram, green gram, maize, nuvvulu, banthi thota, dondakaya paadu, ground nut, pulses, pumpkin, vanga thota are the crops previously grown in the agricultural land. In addition 1157 trees were felled out of which 223 forest trees like teak wood, rose wood etc were present in the acquired land.</p>																			
9.	Command Area	<p>Nil.</p> <p>No canal is constructed exclusively under this project, the existing infrastructure of Polavaram is used. Since its only diversion of river water, the project has no specific exclusive command area. Balance Irrigation Potential of 1.20lakh Acres in Krishna and West Godavari Districts will be provided with water early. Facilitates in raising early seed beds in Krishna Delta and stabilizes the Krishna Delta ayacut.</p>																			
10.	Total cost of the Project	Rs. 1660 crore																			

11.	Forest land involved	Nil
12.	Any other sensitive areas	Nil
13.	Number of Pumps	240 Cumecs (8500 cusecs) Discharge of each pump: 10 cumecs, 354 Cusecs Total no. of pumps: 24 no.s Type of pumps: Vertical turbine pumps Capacity of each pump: 5300 H.P (3.95 MW)
14.	Minimum water level	Reported by PP that the bed level of river Godavari is +9.00m at intake point, intake level of pump bay is +11.00m and during monsoon water is lifted from +14.00m.
15.	Delivery level	The delivery level of water is +42.50m
16.	Rising Main details	Pressure Main is of 12 rows and each row is 3.925Km length and 3.2m diameter pipes.
17.	Status of Environmental Clearance	Not obtained. As on 22.02.2021, the PP is yet to submit DPR to MOEFCC.

Table2: Components of the scheme and geo-coordinates

Pattisam Lift Irrigation Scheme		Geo-Coordinates
1	Pump house at KM 36.200 of Akhanda Godavari Right bank (AGRB) is installed. It comprises of 24 pumps each of 354 cusecs	17°13'38"N 81°38'14"E
2	Pressure main length of each row 3.925 KM, 12 rows of 3.2 m dia MS pipes	Pressure Main @ KM 0 17°13'41.73"N 81°38'9.9"E Pressure main @ KM 1.5 17°13'59.89"N 81°37'36.96"E Pressure main @ KM 2.7 17°14'25.76"N 81°36'49"E Pressure main @ KM 3.925 17°14'40.6"N 81°36'27"E
3	Delivery cistern @ KM 3.925	17°14'40.5"N 81°36'27."E

Water is pumped from +14 m to deliver level at +42.5 m
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Present Status of PLIS: Construction of the project was fully completed and commissioned in September, 2015 and inaugurated during March, 2016. Though the project is permitted for 80TMC but during 2017 and 2018 the PP has diverted 105 and 96 TMC of water.

VI DAMAGE ASSESSMENT

The committee's mandate is to assess damage on the environment and the amount of compensation liable to be paid to the affected persons on account of constructing Pattisam lift Irrigation schemes without obtaining Environmental Clearance from MOEFCC. The project is completed, fully commissioned and operating since 2015 till 2020. If the project was carried out by obtaining EC, then Environmental Impact Assessment study which is a pre-requisite to obtaining EC would have been carried out. Once EIA is carried out, Environmental Management Plan is prepared to mitigate or nullify the impacts.

In the present scenario since no EMP was prepared to prevent or mitigate the impacts, the committee has ascertained the damages by means of available information, official records provided by concerned departments & interaction with officials, satellite images, Air quality and water quality data available with APPCB.

The various damages ascertained is summarized below

VI.a Land acquisition and Rehabilitation: As per the records furnished by R & R commissioner, the total land acquired 162.19 acres out of which 149.51 acres is agricultural land and 12.68 is Government land. Black gram, green gram, maize, nuvvulu, banthi thota, dondakaya paadu, ground nut, pulses, pumpkin, vanga thota are the crops previously grown in the agricultural land. In addition 1157 trees were felled out of which 223 forest trees like teak wood, rose wood etc were present in the acquired land. For acquiring agricultural land the farmers are compensated as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The committee interacted with the R & R Commissioner, verified the records and noticed that the compensation process towards land acquisition is completed for 162.19 acres. But as per satellite images, the total land used for the project is around 200 acres. The PP and concerned Revenue Divisional Officer, Jangareddygudem informed the committee that:

Land acquired for Pattiseema Lift Scheme is → **Ac.162.19 Cts.**

Previously acquired land for Polavaram Project Right Main Canal and now that extent was covered in Pattiseema Lift Scheme is →**Ac.23.33 Cts.**

Government land utilized →**Ac.10.73 Cts.**

Total land utilized for Pattiseema Lift Scheme is →Ac.196.25 Cts

R&R Commissioner has compensated the farmers for both 149.51 acres & 23.33 acres of private agricultural land acquired as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The PP has paid compensation to the forest trees present in private agricultural land. The R & R Commissioner shall provide details of forest trees present in Government land the compensation to be paid and same shall be paid to Forest Department, Government of A.P and also PP shall carry out plantation in acquired land at all feasible locations. Further it was also reported that no threatened or endemic flora or fauna species were present in the acquired land. The committee interacted with the R & R Commissioner, verified the records and noticed that the compensation process towards land acquisition is completed for total 172.84 acres as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. But committee suggests R & R Commissioner to carry out survey assessment of 23.41 acres of Government land so that the information on type of trees present is available and same can be conserved in future. The District Forest officer vide letter dated 17.06.2021 informed that there is no notified forest land in the land acquired for Pattisam irrigation project. Letter received from Forest Department is enclosed as **Annexure II.**

VI. b Impacts in upstream states: As per the available records, the PLIS is operated only during monsoon. Govt of A.P claims that surplus water joining the sea is pumped under the scheme. At dowleswaram when the level of water reaches +14m, the lifting of water is started by PLIS. The 80 TMC of water which is being diverted from Pattiseema Lift Scheme is allocated share under Polavaram Project. As per River Godavari flow pattern, the projects Purshtpattnam lift irrigation, Pattiseema lift irrigation, Chintalapudi lift irrigation are constructed towards the tail end of the river and further down after Dowleswaram there are no end users and Godavari river will join the sea. But it is essential that the State of A.P obtains Clearance from Central Water Commission and Godavari Water Dispute Tribunal for using Godavari river water.

Though PP informed that the project is designed for lifting 80 TMC of water but committee observed that the quantity of water lifted during 2017 is 105.3 TMC and during 2018 is 96.56

TMC. During 2017 & 2018 severe drought conditions were prevailing in Krishna delta basin and at the same time sufficient surplus water was available in river Godavari. As water was being surplused through Sir Arthur Cotton Barrage which is going as waste into sea, the same has been lifted through PLIS as per the requirement placed by the Krishna Delta authorities to cater the needs of Krishna Delta system since the Krishna delta system is in dire need of water during 2017 & 2018. During 2017 & 2018, there was less rainfall, hence more water is lifted while in 2019 & 2020 there were heavy rains and Prakasham barrage was flooding, hence less quantity of water was lifted. The PP has not complied with allocated share of water. As per existing records Pattisam LIS is operated only during monsoon. The PP shall install automatic full proof system and sensors in order to lift only the approved capacity. The committee suggests that CWC to monitor all the projects so that water from river Godavari is not lifted in excess of approved capacity. Committee suggests that CWC may explore the possibility of installation of an interlocking facility such that pumps may stop soon after lifting approved quantity.

VI. c Impact on Neighboring community: It is obvious that every construction projects whether carried out by obtaining EC or not will have adverse impacts due to dust, noise etc on the residents who live in the neighbourhood which are disturbing in nature. The type of adverse impact on neighbourhood is as follows:

Adverse impact due to Construction activity	Secondary impact	Nature of impact	Status of impact if EC was obtained
Noise	Loss of peace and quietude of neighbourhood	Nuisance/ disturbance	By adopting environmental management plan, the PP can prepare time table of activities only but overall impact cannot be nullified but may have minimized. The impact is only during construction activity.
Dust	Cleanliness of house & neighbourhood is affected (emissions	Nuisance/ disturbing	By water sprinkling, use of curtains, impact could have been minimized. Impact is

	considered in subsequent paras)		observed during construction and may continue till vegetation cover is restored in areas where muck is dumped.
Traffic congestion	Prolonged closure of road spaces	disturbing	PP informed that since project was in a village, problem of traffic congestion did not arise.

The adverse impacts on residents in the neighborhood are disturbing in nature and not damaging. The construction activity whether carried out by obtaining EC or without EC these nuisances are likely to arise. The impacts could have been minimized by adopting EMP but cannot be fully nullified. There is no damage to neighboring community and hence compensation do not arise. Further there are no reports of episodal pollution (due to dust or other activities) in the project site.

VI. d Muck Management

For constructing pump house, laying of pressure mains and delivery cistern, earth is excavated. The excavated earth/ muck are reused in the project. The PP has dumped the muck in their own lands near to point of excavation in the form of large heaps. Portion of excavated muck is used for refilling after laying of pressure mains and remaining portion of the muck is still laying near point of excavation. The PP has not maintained records on quantity generated and quantity reused. Further total quantity of muck reused and quantity still laying is not quantified.

After laying of pressure mains, around 70% of excavated earth is refilled on pressure mains upto 0.55m above ground level to give cushion for settling. Remaining around 30% of muck is still laying near point of excavation in the form of large heaps. Currently, the soil has settled and area where pressure mains are laid and adjacent areas are at same level. Normally, muck is disposed in low-lying areas or depressions. But the project proponent has not identified any designated site for muck disposal and continued to form heaps. If EMP is implemented then muck has to be dumped in scientific manner by providing appropriate

protection walls so that muck will not flow and washed away in the river. The PP has not identified designated area for disposal and slopes of the dump are not stabilized.

If sides/ slope of the dump is not stabilized, there is possibility of sliding during rainfall the excavated material may be washed with rainwater. Lot of dust emissions may have taken place during excavation, dumping and transit. If environmental management plan was implemented dust suppression measures like wetting of roads, water sprinkling, stabilization of slopes would have been implemented to suppress dust. The total quantity of muck is 14,50880.7 Cum.

Totally Quantity of muck generated → 14,50880.7 m³

Total quantity likely to be re-used → though records are not maintained but it was informed that around 70% is reused. 1015616.49m³ of muck used for refilling

Quantity of muck still laying at different dump locations → 435264.21 m³

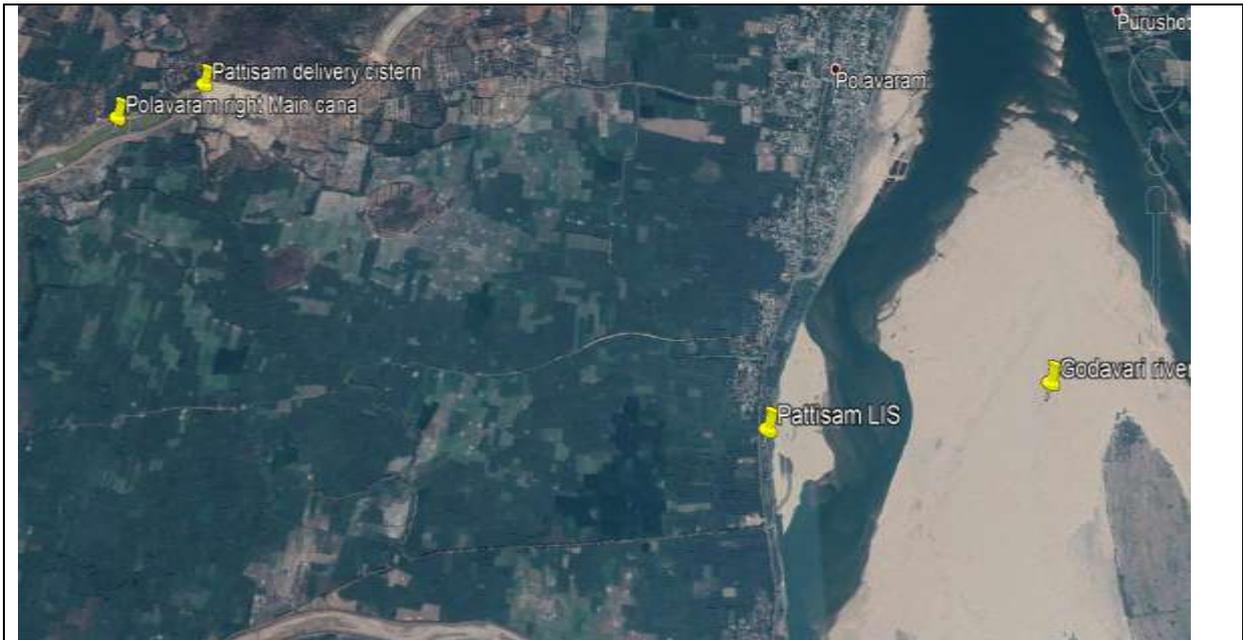
Parameter	Impact by obtaining EC and implementation of EMP	Impact that may have caused by not obtaining EC and non-implementation of EMP	Remarks
Muck generation and disposal	Area is designated for dumping of muck which is not close to point of excavation. After dumping of muck the sides & slopes are stabilized to prevent runoff by rains Compaction, wetting are practiced to suppress dust. Maintenance of proper	Muck is disposed near point of excavation, no designated area identified which may have caused dust emissions and runoff. Muck dumps are not stabilized. Muck utilization plan is not prepared. The PP informed that measures such as water sprinkling, road wetting using tankers	PP shall identify suitable area for muck disposal and transfer the muck lying in heaps at different locations to designated area in compliance to MOEFCC guidelines on muck disposal. The muck after transfer to new designated area shall be dumped by stabilizing slopes and

	records	were practiced during project execution and videos of the same were presented to committee.	by adopting dust suppression measures.
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VI. e. Impacts on fish

Generally, extraction of gravel and sand may cause considerable damage to fish stocks and other aquatic life by destabilizing the sub-stratum, increasing the turbidity of water, silting of the channel bottom and modifying the flow, which in turn may result in erosion of the river channel. The suspended solids in excess of 100 ppm brought by suspended solids may choke the gills of young fish. Fine solids in concentration greater than 25 mg/l may adversely affect the development of fish eggs and fish. These alterations may have a significant impact on the benthic fauna especially fish. In case of Pattisam project, PP claims that there are no incidence of fish kill in the region and pump bays are laid 2m above the bed level of the river, hence there may not be any impact on fishes. Fisheries department vide letter dated 25.05.2021 has stated that there is no decrease in the fish & prawn catches from last 6 years and the livelihood of traditional fishermen is not affected near the project site. Letter received from Fisheries department is enclosed as **Annexure-III**.

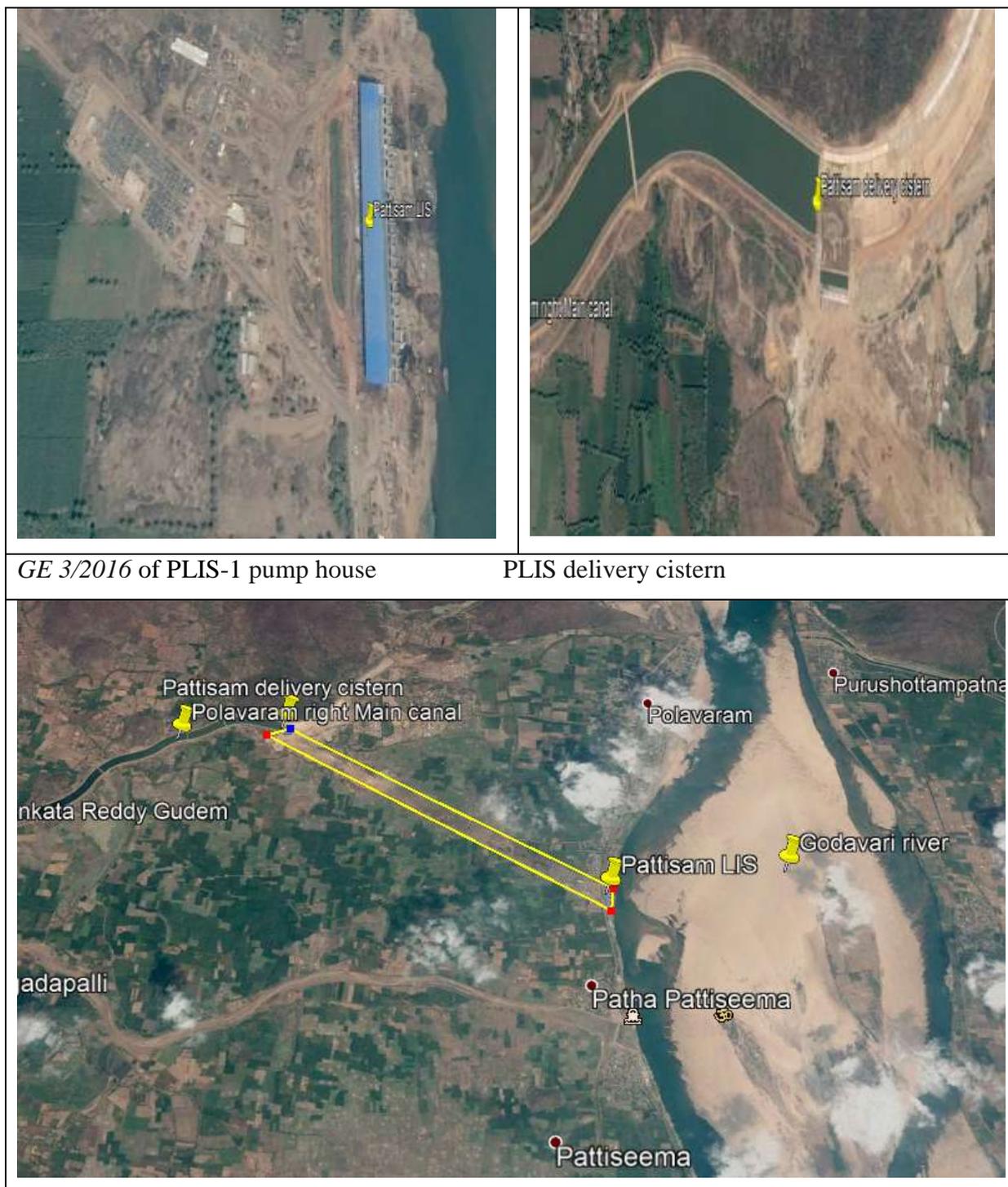
VI. f Damage assessment through satellite images: Historical satellite images are used to ascertain the damages but the images are only indicative.



GE 3/2014 of PLIS-1 before taking up project



GE 3/2016 of PLIS-1 after completion of project



GE 3/2016 of PLIS-1 pump house

PLIS delivery cistern

Observations made from the satellite images

1. From satellite image, it is observed that the land used is around 200 acres and PP has clarified that the total land used in the project is 196.25 acres.
2. Before startup of the project the area acquired for construction is a irrigated land. The irrigated land is lost due to project for which PP has compensated.

3. On comparison of satellite images from 3/2014 to 3/2016 images it is understood that the crops are cleared, land is levelled. When compared to latest images it is clear that though prime construction activity was completed by 2016 but minor construction works are carried out till 2018.

Environmental compensation for violation for paras VIa to Vie: The committee has used CPCB formula for calculation of EC

<p>EC for violation (haphazard muck disposal without adopting scientific muck disposal plan, increase in ground level and in turn increase in depth of water table, diversion of excess water during 2017 & 2018,)</p>	<p>=</p>	<p>PI x N x R x S x LF EC= No. of days violation caused x Rupee factor (for the purpose of calculation Rupee factor is taken as 250) EC = Environmental Compensation in INR PI = Pollution Index of industrial sector (orange-50) N = Number of days of violation took place (365 construction days+ In 2017, excess 25.8 tmc of water was lifted in 42 days. In 2018, excess 16.94 tmc of water was lifted in 34 days.) Total no. of days of violation=441 R = A factor in Rupees for EC (Rs. 250/- is taken) S = Factor for scale of operation (large-1.5) LF = Location factor =1(population is less than 5 lakh)</p>
<p>EC</p>	<p>=</p>	<p>50*441*250*1.5*1</p>
<p>EC for violation (haphazard muck disposal without adopting scientific muck disposal plan, increase in ground level and in turn increase in depth of water table, diversion of excess water during 2017 & 2018,)</p>	<p>=</p>	<p>Rs. 82,68,750/- Rupees Eighty two lacs sixty eight thousand seven hundred and fifty only</p>

VI. g. Dust emission due to construction: As per US Environmental Protection Agency (EPA), the emissions from construction activity is calculated using following formula 1.2tons/acre/month of activity. Referring to EPA formula the committee has suitably used the formula to suite to present project conditions 1.2 tons/hectare/month (the present project is carried out in villages and within the radius of 2Km, the population is less than 5,000. In addition it is completely an open area with less obstructions which will help in quick dispersion. When construction activity is taken up in urban centers, dispersion of dust / pollutants is low as compared to villages due to presence of high rise buildings. Considering these aspects, the formula was suitably used. In other paras of the report impact of dust on neighborhood is described and muck management, dust emission due to muck is described. Suitable adopting the formula will avoid double counting of EC for same dust emissions).

Total executed land (construction activity carried out in): 162.19 acres=65.63 hectares

Total no. of months of violation=total no. of project days (from date of start to date of commissioning) – actual core construction days (excluding finishing, electrical, safety and trial works)

Total no. of months of violation= 5 ½ months of core construction works

Emission E	=	1.2tons/hectare/month of activity
E	=	1.2tons*65.63ha*5.5months
E	=	1.2 tons *65.63*5.5
	=	433.16 tons
<p>The dust emitted from construction activity mainly comprises of particulate matter PM₁₀. Out of the total quantity of dust emitted 50% of the dust could have been suppressed by adopting safe environment management practices. 100% dust suppression may not be achieved during construction activity. Hence committee has attributed 50% of dust has contributed for constructing the project without obtaining EC/without implementation of EMP.</p>		
E	=	
Dust Emissions without EMP	=	216.579tonnes
<p>Major portion -50% of dust in construction activity is PM₁₀. The committee by referring to UK Defra environmental prices and other reports submitted to Hon'ble NGT and NEERI calculation the environmental price for Particulate emission € 44.6 per tonne of PM₁₀</p>		

emission by suitably adopting the formula for present conditions.		
Environmental compensation for dust emissions (expressed in terms of PM10)	=	Rs. 7,24,240/- Rupees Seven lacs twenty four thousand two hundred and forty only

VI. h. Impacts on water quality, Sewage Generation and Disposal

The PP informed that adequate sanitary arrangements were provided in labour camps to ensure public health. Poor sanitary arrangements at labour camps & construction sites may lead to proliferation of insects or other vectors which in turn causes both vector borne & water borne diseases like malaria, dengue etc. The PP informed to the committee that no incidences of water borne or vector borne diseases occurred in the project site during the entire construction period. The District Medical & Health Officer, West Godavari district reported that there was no significant impact of health issues due to construction of PLIS. Copy of the letter received from health department is placed as **Annexure-IV**.

Project proponent had provided sanitary arrangements like mobile toilets etc but however no proper arrangements were made for treatment & disposal of sewage. Though it is understood that no serious incidences of water pollution or water borne diseases have occurred from the inception of project till completion but however the committee has calculated compensation for disposal of sewage without treatment. Though labour camps were established during construction but during committee visit, the camps were dismantled and area was fully cleaned.

As per information provided by PP, 520 labours were employed throughout the construction period of 365 days.

Environmental compensation for sewage disposal without any treatment into the environment	=	$[17.5(\text{Total Sewage Generation} - \text{Installed Treatment Capacity}) + 55.5(\text{Total Sewage Generation} - \text{Operational Capacity})] + 0.2(\text{Sewage Generation} - \text{Operational Capacity}) \times N + \text{Marginal Cost of Environmental Externality} \times (\text{Total Sewage}$
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		Generation-Operational Capacity) x N
	=	Total workers= 520 Per capita water demand is 100 liters. 80 liters is wastewater generated per worker per day Total sewage generated=0.0416 MLD Marginal cost of environment externality=0.1
	=	$17.5 * (0.0416 - 0) + 55.5 * (0.0416 - 0) + 0.2 * (0.0416 - 0) * 165 + 0.1 * (0.0416 - 0) * 165$
EC on account of sewage discharge	=	Rs. 7,59,200/- Rupees Seven lacs fifty nine thousand two hundred only

VI. i. Solid waste generation and disposal: During construction phase, 520 labours and have congregated at project site. Adequate facilities for collection, conveyance and disposal of solid waste need to be developed. The solid waste will be disposed at the designated landfill sites. 520 labourers were working for 365 days. Per capita generation of solid waste per day is 0.1 kg/ day for small towns & cities. The project proponent has not devised any mechanism for solid waste disposal as per SW Rules 2016.

Environmental compensation for solid waste disposal without any treatment into the environment	=	EC (Lacs Rs.) = $2.4(\text{Waste Generation} - \text{Waste Disposed as per the Rules}) + 0.02 (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N + \text{Marginal Cost of Environmental Externality} \times (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N$ The project proponent has not devised any mechanism for solid waste disposal as per SW Rules 2016.
Per capita solid waste generated 0.1kg/ day. Marginal cost of environment externality=0.05 Total workers→520 Total solid waste generated per day=0.052 TPD		
	=	$2.4 * (0.052 - 0) + 0.02 * (0.052 - 0) * 365 + 0.05 * (0.052 - 0) * 365$
EC on account of solid	=	Rs. 1,45,340/- Rupees One lac forty five thousand three hundred and

waste dumping		forty only
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VI. j. EC for noise nuisance, dust emission due to transportation: Vehicular movement would have taken place both with and without EC but however if EMP was implemented the traffic movement would have been regulated and traffic congestion will be avoided. If EMP was implemented trucks would have been covered with tarpaulins, regular PUC checks would have been carried out etc but these were not done. Minimum 43 Heavy vehicles like excavators, earth moving machines, trucks, dumpers, bulldozers were plying everyday. Since traffic was not regulated the emissions caused by 1/3rd of the vehicles is attributed to congestion emissions. The committee by means of discussion has arrived at this figure. It was informed by PP that stage-II vehicles were used and assuming that the vehicles complied with norms the and reported that vehicles were operated for 12hrs per day.

The emission due to traffic congestion from 1/3rd of vehicles is

CO=26.30kgs

NOx=46.032 Kgs

PM-0.9864 Kgs

As per UK Defra environmental price book, 2017

	CO- 4g/kmhr	PM _{2.5} 0.15 g/kmhr	Nox-7g/kmhr
BS-II emission factor from CPCB vehicular exhaust	20440	35770	766.5
qty emitted in kgs	20.44	35.77	0.7665
pricing	4.94076	3007.796	3865.928
Total valuation	100.9891344	107588.9	2963.234
EC on Vehicular emissions	Rs. 1,10,653/- Rupees One lac ten thousand six hundred and fifty three only		

VI. k. EC for not utilizing top soil for further beneficial purpose: Top soil is the top 1 ½ ft layer of soil which is most fertile soil and essential for plants growth. It takes several years for its formation. As per MOEFCC guidelines topsoil has to be used for horticultural purposes. The PP has not made any efforts to conserve the top soil and for its beneficial use of same.

Total land used for project → 196.25 acres

Top 1 ½ ft is top soil.

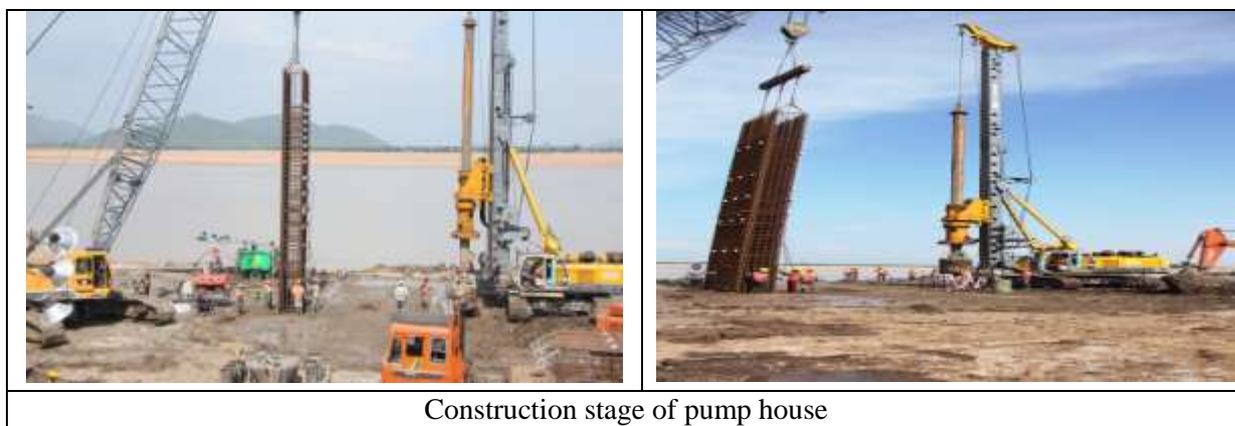
Total top soil removed= 363106.22 m³

Total top soil probably refilled after laying pressure mains: 181553.1 m³

Top 1 ½ ft of top soil from construction site is removed and this top soil is not used for further beneficial purposes. The project proponent has not caused any damage to soil instead top soil was dumped along with muck. After laying the pressure mains the muck was refilled along which portion of top soil is also being refilled. Refilling of top soil will enhance the growth of vegetation. Portion of top soil is still laying along with the muck heaps. Since there are no records of quantity reused. The committee has assumed that 50% of top soil is not used for further beneficial purposes.

The committee discussed with horticultural department and imposes a fine of Rs.50 per m³ amounting to Rs. 90,77,655/-. (Rupees Ninety lacs seventy seven thousand six hundred and fifty five only)

EC for top soil loss	=	Total qty of top soil not utilized for beneficial purposes m ³ * Rupee factor
Rupee factor=The committee imposes a EC of Rs.50/- per m ³ for not utilizing top soil for beneficial purposes. Of the total quantity of top soil removed, probably more than 50% is refilled back after laying of pressure mains.		
EC for not utilizing the top soil for beneficial purposes	=	Rs. 90,77,655/-. (Rupees Ninety lacs seventy seven thousand six hundred and fifty five only)







VII Conclusions & Recommendations of the committee

1. Pattisam Lift Irrigation Scheme (PLIS) was undertaken by the State of Andhra Pradesh for drawl and lifting of 80 TMC of surplus water (only during monsoon July to December) before river Godavari joins the sea. The project is completed, commissioned and operation started during March, 2016 (trial runs completed in 2015 itself during which 4.24 TMC is lifted) without obtaining EC. MOEFCC has clarified that PLIS project requires Environmental Clearance. Hon'ble NGT vide order dated has vested the committee to ascertain the damage caused due to construction of project without EC.
2. The adverse impacts caused due to construction of project without obtaining Environmental Clearance and not carrying out EIA study and non-implementation of Environmental Management plan are:
 - a. Land Acquisition and loss of agricultural land: The project proponent has paid compensation to the farmers as per Right to Fair Compensation and Transparency

- in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for private agricultural land acquired from farmers.
- b. Impacts on residents of neighbouring community dust, noise etc: The construction activity is likely to cause dust and noise which are nuisance and disturbing to the residents of the neighbouring communities. The nuisance is restricted only during construction activity. No damage caused. Through EMP impacts may have minimized but cannot be nullified.
 - c. Non-implementation of muck management plan and disposal of muck near point of excavation without stabilizing the slopes. Increase the ground level by around 1m and increase in depth of water table.
 - d. Dust emission due to construction, excavation, transportation activities
 - e. Non-implementation of sewage and solid waste management plans for the sewage and solid waste generated from labour camps and from construction sites.
 - f. Vehicular emissions
 - g. Not utilizing the fertile top soil for beneficial purposes
3. The project proponent has acquired total land of 162.19 acres for Pattiseema LIS. They have previously acquired 23.33 acres of private land and 10.73 acres of government land for Polavaram Project Right Main Canal and this area was covered in Pattiseema LIS. The total land utilized for Pattiseema LIS is 196.25 acres of which 172.84 acres is private land 23.41 acres is government land. R&R Commissioner has compensated the farmers for both 149.51 acres & 23.33 acres of private agricultural land acquired as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The PP has paid compensation to the forest trees present in private agricultural land. The R & R Commissioner shall provide details of forest trees present in Government land the compensation to be paid and same shall be paid to Forest Department, Government of A.P and also PP shall carry out plantation in acquired land at all feasible locations. Further it was also reported that no threatened or endemic flora or fauna species were present in the acquired land. The committee interacted with the R & R Commissioner, verified the records and noticed that the compensation process towards land acquisition is completed for total 172.84 acres as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. But committee suggests R & R Commissioner to carry out survey assessment of 23.41

acres of Government land so that the information on type of trees present is available and same can be conserved in future

4. Polavaram Project Authority which is the nodal agency for monitoring shall exercise strict surveillance mechanism to monitor the activities associated with Polavaram project.
5. The PP shall submit DPR to MOEFCC, CWC and GWDT appraise the project and obtain necessary statutory post facto clearances.
6. The PP shall install automatic full proof system and sensors in order to lift only the approved capacity. The committee suggests that CWC to monitor all the projects so that water from river Godavari is not lifted in excess of approved capacity. Committee suggests that CWC may explore the possibility of installation of an interlocking facility such that pumps may stop soon after lifting approved quantity.
7. The Project Proponent shall pay Environmental compensation to Andhra Pradesh Pollution Control Board as follows:

Impact	Amount
EC for violation (haphazard muck disposal without adopting scientific muck disposal plan, increase in ground level and in turn increase in depth of water table, diversion of excess water during 2017 & 2018,)	Rs. 82,68,750/- Rupees Eighty two lacs sixty eight thousand seven hundred and fifty only
Environmental compensation for dust emissions (expressed in terms of PM10)	Rs. 7,24,240/- Rupees Seven lacs twenty four thousand two hundred and forty only
EC on account of non-implementation of sewage management plan and disposal without any treatment into the environment/ riverine system	Rs. 7,59,200/- Rupees Seven lacs fifty nine thousand two hundred only
EC on account of Solid waste dumping	Rs. 1,45,340/- Rupees One lac forty five thousand three hundred and forty only
EC on account of vehicular emissions	Rs. 1,10,653/-

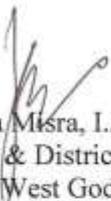
	Rupees One lac ten thousand six hundred and fifty three only
EC for not utilizing top soil for beneficial purposes	Rs. 90,77,655/-. (Rupees Ninety lacs seventy seven thousand six hundred and fifty five only)
Total compensation to be paid by project proponent	1,90,85,838/- Rupees one crore ninety lacs eighty five thousand eight hundred and thirty eight only

8. GWDT may fix the level at Dowleswaram barrage above which surplus water can be drawn.
9. The working area of project site may be taken up for landscaping and beautification.
10. Due to project, 1157 forest trees are lost, the PP in addition to compensation for the trees shall plant Equivalent amount of new trees as integral part of the project within the available land and if necessary, separate additional land may be acquired for this purpose.
11. PP shall identify suitable area for muck disposal and transfer the muck lying in heaps at different locations to designated area in compliance to MOEFCC guidelines on muck disposal.
12. The muck after transfer to new designated area shall be dumped by stabilizing slopes and by adopting dust suppression measures.
13. The PP shall install automatic full proof system and sensors in order to lift only the approved capacity. The committee suggests that CWC to monitor all the projects so that water from river Godavari is not lifted in excess of approved capacity. Committee suggests that CWC may explore the possibility of installation of an interlocking facility such that pumps may stop soon after lifting approved quantity.
14. The committee interacted with the R & R Commissioner, verified the records and noticed that the compensation process towards land acquisition is completed for total 196.25 acres as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. But committee suggests R & R Commissioner to carry out survey assessment of 10.73 acres of Government land so

that the information on type of trees present is available and same can be conserved in future. Compensatory afforestation to be carried out in acquired land.

15. The committee concludes that due to construction of the Pattisam LIS without obtaining EC has caused adverse impacts on neighbouring community in terms of dust, noise and traffic congestion which are disturbing in nature but has not caused damage or loss of livelihood to the neighbouring communities. The adverse impacts on the neighbouring community largely restricted to construction stage and has subsequently nullified. Since there is no damage to persons due to construction of project without EC, there is no treatment cost. Hence project proponent need not pay any compensation amount on account of this since there are no affected persons. The PP has taken adequate arrangement to prevent incidence of any endemic health problems due to water/soil / vector borne diseases. The committee has calculated the Environmental compensation by considering various impacts arising out of project, by using satellite images, physical inspection of the area, verification of records. There are no specific affected group of people due to project. There is no specific serious damage due to project and there is no requirement of remediation.

The Committee could not make visits to Godavari Pennar river interlinking schemes due to Covid Pandemic and Lock downs. The Committee respectfully prays to Hon'ble NGT for giving two months time for submitting the reports of Chintalapudi and Godavari River interlinking schemes.


Kartikeya Misra, I.A.S.,
Collector & District Magistrate,
ELURU, West Godavari District.


Mahima T, Scientist-D, Central Pollution
Control Board, Regional Directorate,
Chennai


Prof. P. Jagannadha Rao, Dept. of
Chemical Engineering, Andhra
University, Visakhapatnam


T. Rajendra Reddy, JCEE & Zonal
Officer, Andhra Pradesh Pollution Control
Board, Visakhapatnam

Item No. 07

Court No. 1

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

(By Video Conferencing)

Review Application No. 46/2019
IN
Original Application No. 48/2019

Vatti Vasanth Kumar

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 09.09.2020

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

Applicant(s): Mr. Sravan Kumar, Advocate

Respondent(s): Mr. R. Venkataramani, Senior Advocate with Mr. G.N. Reddy,
Advocate for State of Andhra Pradesh
Mr. Aman Bhalla, Advocate for CPCB
Mr. TVS Raghavendra Sreyas, Advocate for APPCB
Mr. A.K. Prasad, Advocate for MoWR

ORDER

In view of order passed today in OA 175/2018, *Jammula Choudharaiah & Anr. v. Union of India & Ors.*, in the present case also, the same Committee may determine the amount of compensation and furnish its report. Since the projects have already been completed, the project proponent may apply for EC, prepare the EIA/EMP which may be evaluated by the MoEF&CC and decision on the issue of grant of EC and conditions subject to which such EC is to be granted may be taken. The application may be made within one month and further steps taken expeditiously and completed as far as possible within six months. The

MoEF&CC and CPCB may also determine the amount of compensation payable for undertaking the project without EC.

List for further consideration on 12.04.2021.

A copy of this order be forwarded to the MoEF&CC and the authorities to whom copy of order in OA 175/2018 has been directed to be forwarded.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 09, 2020
Review Application No. 46/2019
IN Original Application No. 48/2019
DV

Item Nos. 05 & 06

Court No. 1

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

(By Video Conferencing)

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

(With report dated 28.04.2020 28.04.2020)

Jammula Choudharaiah & Anr. Applicant(s)

Versus

Union of India & Ors. Respondent(s)

WITH

Original Application No. 350/2018

Madicharla Satyanarayana & Anr. Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 09.09.2020

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

Applicant(s): Mr. Sravan Kumar, Advocate
Respondent(s): Mr. R. Venkataramani, Senior Advocate with Mr. G.N. Reddy,
Advocate for State of Andhra Pradesh
Mr. Raj Kumar, Advocate for CPCB
Mr. Vinayak Gupta, Advocate for MoEF&CC

ORDER

1. The issue for consideration is the legality of Purushothapatnam Lift Irrigation Scheme, undertaken by the State of Andhra Pradesh, for drawl and lifting of water from River Godavari, near Purushothapatnam Village in Seethanagaram (M), E.G. District, Andhra Pradesh, without

obtaining Environmental Clearance (EC) as per the procedure laid down in the Environment Impact Assessment (EIA) Notification, 2006.

2. The matter has been considered on several hearings earlier and finally on 20.02.2020, after referring to the earlier proceedings, the Tribunal observed:

*“4. After more than six months, the matter has been taken up today on account of delay in furnishing of report by the MoEF & CC. We have perused additional affidavit filed on behalf of the MoEF&CC on 27.01.2020 to the effect that **show cause notice has been issued under Section 5 of the Environment (Protection) Act, 1986 to the State of Andhra Pradesh for non-compliance of the Environment Clearance and for stopping all activities relating to Purushothapatnam Lift Irrigation Scheme. Accordingly, all operations of the said scheme have been stopped in the light of the said show cause notice.** The State has, however, prayed for the withdrawal of show cause notice to enable drinking water supply to Vishakhapatnam City and other areas. The MoEF&CC sought comments of the Central Water Commission. The comments of the said commission are that:*

“DPR of Purushothapatnam Lift Irrigation Scheme (PLIS) has never been cleared/accepted by the CWC. As per Section 90 of Andhra Pradesh Reorganization Act, 2013, Polavaram Irrigation Project (PIP) was declared as National project. While appraising the 2nd Revised Cost Estimate of PIP, Purushothapatnam Lift Irrigation Scheme was not appraised as part of PIP and Government of India is not reimbursing the expenditure incurred by the State Government of this project”.

*5. In view of the above, **since the Purushothapatnam Lift Irrigation Scheme is using the infrastructure of Polavaram Project Scheme, without seeking amendment of the EC granted for the said project, such activities are not permissible without appropriate amendment to the EC, granted for Polavaram Project Scheme or taking independent EC, as may be found necessary.** To determine whether independent EC is required or amendment of existing EC is to be taken or what is permissible course or action, **we direct constitution of a Committee comprising EAC of MoEF&CC on irrigation projects, CPCB and IIT Roorkee.** The CPCB will be the nodal agency for coordination and compliance. The committee may hold its first meeting within two weeks and give its report within one month thereafter at judicialngt@gov.in. The committee may also consider social aspects, apart from environmental aspects.”*

3. In view of above, report dated 28.04.2020 has been filed by the Central Pollution Control Board (CPCB) inter-alia stating as follows:

“Accordingly, the meeting of the Committee was held on 05/03/2020 under the Chairmanship of Dr. S.K. Jain, Chairman EAC of River Valley Projects in the Ministry of Environment, Forest & Climate Change at MoEF&CC, New Delhi. The Committee during the meeting discussed the matter among the members and further heard the Project Proponent (PP) in detail. The Committee discussed the views submitted by the project proponent, replies/arguments of the members of the EAC committee, MOEFCC, CWC and CPCB. Based on the facts and figures, Minute of the Meeting (MOM) **(Annexure- II)** was unanimously prepared. This is to state that the all the members signed in the attendance **(Annexure- III)** were present throughout the meeting and agreed to the joint minutes. Hence individual signatures were not taken on the MOM.

The Committee held its meeting on 05/03/2020 where PP gave a detailed presentation about PLIS. Outcomes/observations of the Committee meeting, which is also a part of the MOM, are reproduced as follows:

- i. The Committee has examined the issue as directed by the NOT and on the facts presented by the PP.
- ii. **The present set up is not only for drinking and industrial use but also for use of irrigation of the existing Ayacut. Therefore, the Committee felt that since there is an irrigation component, environmental clearance for the scheme should be obtained as per the EIA Notification, 2006.**
- iii. Water balance/use is to be provided at each stage to clarify how much will be used for different purposes.
- iv. The left main canal of Polavaram Project is supposed to receive water from the Polavaram reservoir. But now the PLIS is transporting water through LMC to Yeleru reservoir for which NOC is to be obtained from the Polavaram Project Authorities.
- v. Consent to stablish (CTE) and Consent to Operate (CTO) for the present lift Scheme to be obtained by the PP.
- vi. **Necessary permission/clearance is to be obtained from CWC.**
- vii. **When the PP will come to seek the EC, Social Impact Assessment shall be dealt with during the appraisal process as per the guidelines of EIA Notification, 2006.**
- viii. After the issue of show-cause notice by the Ministry, the Lift Irrigation Scheme for lifting water has been stopped from River Godavari. Therefore, the Committee suggested that the same may continue till all the statutory clearances are obtained.”

4. The report annexes record of discussion of the Committee, which is as follows:

“Details of the project:

The following are the details of the Purushothapatnam Lift Irrigation Scheme based on the information provided by the Project Proponent (PP, the Water Resources Department, Andhra Pradesh) during presentation, the Regional Office, Chennai and Office Records of the MoEF & CC:

Sr. No.	Details of the Project	
1.	Purpose of Project:	Lifting 30 TMC of water (100 cumecs @ 10 cumecs of pumping by each pump) from River Godavari
2.	Project location:	17°15'21" N, 61°39'41" E
3.	Date of start of project:	31.01.2017
4.	Date of completion:	04.01.2019
5.	Reservoir capacity (TMC):	It is a pumping scheme to divert 30 TMC of water from River Godavari
6.	Canal Length (km):	Nil
7.	River from where water is drawn:	Godavari
8.	Details of the water pumped:	Flood water during rainy season
0.	Land Requirement:	326.38 acres (plain land)
1.	Land Acquired:	326.38 acres
2.	Command Area:	Nil
3.	Ayacut Area:	Existing 68,000 ha of ayacut in and around Yeleru Reservoir is used for
4.	Estimated cost of the Project:	Rs 1637.48 crores
5.	Category of the Project:	1 (c)
6.	Forest land involved:	Nil
7.	Any other sensitive areas:	Nil
8.	Number of Pumps	Stage I: 10 pumps of capacity 3500 Cusec Stage II: 8 pumps of capacity 1400 Cusec
9.	Length of the Pressure Main at stage I:	10.148 km, 5 rows of 3.2 m dia. MS pipes
10.	Length of the Pressure Main at stage II:	13.262 km, 2 rows of 3.2 m dia. MS pipes
18.	Status of Environmental Clearance	Not obtained

The PP informed that completion of construction of Polavaram Multi-Purpose Project (PMPP) will take another 4-5 years and it will take some more time for it to become fully operational. Hence, to avail early benefits, the existing infrastructure of Left Main Canal (LMC) of PMPP, the project viz., Purushothapatnam Lift scheme (PLIS) has been constructed at 40.80 km downstream of AGLB to lift 30 TMC from river Godavari during rainy season. The project involved land acquisition, construction of pump house and

pressure main connecting Godavari River at Purushothapatnam Village to LMC of PMPP. Lifting of water is done at two stages. The Stage-I Pumped House is located on Godavari river at km 40.800 of AGLB and delivers water at km 1.600 of LMC of PMPP through 5 rows of Pressure Main of dia. 3.2 m of length 10.148 km. Similarly, the Stage-II Pumped House is located on LMC of PMPP at km 50.00 and delivers water through 2 rows of Pressure Main of dia. 3.2 m of length 13.262 km to Yeleru reservoir. The concerned Deputy Executive Engineer (DEE) of the Water Resource department, Government of Andhra Pradesh informed that the project is already completed on 30/04/2019. Water is lifted from Godavari river during rainy season only.

The PP submitted that after completion of the PMPP, the water from Polavaram Irrigation Project head works will flow under gravity to the LMC and the infrastructure of PLIS shall be dismantled and all the equipment of this scheme will be reused in some other schemes. But, there is no clarity about dismantling of the pipeline laid on the Pressure main of Stage I. However, the Stage II and its Pressure Main will remain for PMPP.

The PP further informed that the PLIS is not having any cultivable command area but during presentation it was clarified that the water from Yeleru Reservoir will be used not only for drinking and industrial purposes but also for irrigating existing Ayacut of around 68,000 ha CCA.

Dr. S. Kerketta, Member Secretary of EAC (River Valley projects) informed the committee that the Ministry issued a show-cause notice vide dated 23/07/2019 under Section 5 of Environment (Protection) Act, 1986 to the State of Andhra Pradesh for non-compliance of the Environment Clearance and also directed them to stop all the activities related to Purushothapatnam Lift Irrigation Scheme with immediate effect.

The Ministry received the response to the show-cause notice vide letter dated 11/09/2019 from the Special Chief Secretary, Water Resources Department, Andhra Pradesh. Extract of the response to the show-cause notice is reproduced below:

- i. During the monsoon season, lakhs of cusecs of Godavari River water is going into the sea unutilized. The Purushothapatnam Lift Irrigation Scheme was proposed keeping in mind the drinking water needs and demands of the people and in order to utilize flood-water of the river Godavari going into sea.
- ii. The Scheme is proposed on the left bank of the river Godavari near Purushothapatnam, Seethanagaram of East Godavari District to lift water from river Godavari under Stage I Pump House and drop the water into Polavaram Left Main Canal at km 1.800 and then lift the water from Polavaram Left Main Canal at km. 50.000 under Stage II Pump House and let that water into Yeleru reservoir for providing drinking and industrial needs of Visakhapatnam City and enroute villages.

- iii. *The present lift Scheme is temporary in nature and it will become nonoperational ~~till~~ once the Polavaram Project is completed. ~~in future~~. The water from the Polavaram Project Reservoir will flow through gravity into canals and pumping of water from river Godavari would not be required. Once the Polavaram Project becomes fully operational, the pumps of the lift scheme would be taken away and used for other projects.*
- iv. *It is also stated that the Purushothapatnam Lift Irrigation Scheme is neither a hydroelectric project with dam/barrage nor an Irrigation Project having component of canal system and distributary network to cater to the needs of new command area under it. The land used for the Project does not have any forest area and therefore no requirement of either forest or other environment clearance. Land necessary for erecting the pumps and laying of underground pipelines have been acquired.*

The PP also informed that the operations of the PLIS have been stopped on receipt of the show-cause notice. Further, the PP informed during presentation made on 05/03/2020 that during flood period, the scheme lifted 1.63 TMC of water in 2017-18 and 13.33 TMC of water in 2018-19. From the Stage II Pump House, part of water is again lifted to fill the Yeleru Reservoir and remaining is let into Yeleru river, tributary of Godavari river. The Yeleru reservoir is also filled up from its upper catchment during rainy season.

Then the Ministry has sought comments on the response to the Show-cause Notice from Central Water Commission (CWC) and the same has been received vide letter dated 21/11/2019. The comments received from CWC are reproduced below:

- i. *It is mentioned that Jal Shakti Mantralay (Erstwhile MoWR, RD 81, GR) has issued guidelines for environmental clearance in respect of Irrigation, Flood control and multipurpose projects. In the said guidelines, **CWC is mandated for techno-economic appraisal of all major and medium irrigation projects, which are planned on Inter-State River/River Basin.** Till date no proposal of Purushothapatnam Lift Irrigation Scheme has been received for techno-economic appraisal in CWC.*
- ii. *As per the Detailed Project Report (DPR) of Polavaram Irrigation Project, there is no association between Purushothapatnam Lift Irrigation Scheme and Polavaram Irrigation Project. Cost of the Purushothapatnam Lift Irrigation Scheme has not been included in the DPR of Polavaram Irrigation Project.*
- iii. *It is also mentioned that the Godavari River Management Board (GRMB) has also informed that the DPR of the Project has not been made available to GRMB by the Project Authority/ Govt. of Andhra Pradesh for appraisal and technical clearance as per AP Reorganization Act, 2014.*

*The CWC has further clarified the same and has stated that "**DPR of Purushothapatnam Lift Irrigation Scheme (PLIS) has***

never been cleared/accepted by the CWC. As per Section 90 of Andhra Pradesh Reorganization Act, 2013, Polavaram Irrigation Project (PIP) was declared as National Project. While appraising the 2nd Revised Cost Estimate of PIP, Purushothapatnam Lift Irrigation Scheme was not appraised as part of PIP and Government of India is not reimbursing the expenditure incurred by the State Government of this project".

The NGT, while hearing the matter on 20/02/2020, directed to constitute a Committee comprising members of EAC of MoEF&CC on River Valley Projects, CPCB and IIT, Roorkee. The CPCB will be the nodal agency for coordination and compliance, to determine whether independent EC is required or amendment of existing EC is to be taken or what is permissible course or action. The Committee held its meeting on 05/03/2020 where PP gave a detailed presentation about PUS. During the presentation following issues were discussed:

- i. The Committee has examined the issue as directed by the NGT and on the facts present by the PP.
- ii. **The present set up is not only for drinking and industrial use but also for use of irrigation of the existing Ayacut. Therefore, the Committee felt that since there is an irrigation component, environmental clearance for the scheme should be obtained as per the EIA Notification, 2006.**
- iii. Water balance/use is to be provided at each stage to clarify how much will be used for different purposes.
- iv. The left main canal of Polavaram Project is supposed to receive water from the Polavaram reservoir. But now the PUS is transporting water through LMC to Yeleru reservoir for which NOC is to be obtained from the Polavaram Project Authorities.
- v. Consent to establish and consent to operate for the present lift Scheme to be obtained by the PP.
- vi. Necessary permission/clearance is to be obtained from CWC.
- vii. When the PP will come to seek the EC, Social Impact Assessment shall be dealt with during the appraisal process as per the guidelines of EIA Notification, 2006.
- viii. **After the issue of show-cause notice by the Ministry, the Lift Irrigation Scheme for lifting water has been stopped from River Godavari. Therefore, the Committee suggested that the same may continue till all the statutory clearances are obtained."**

5. Even though learned Counsel for the State of Andhra Pradesh sought an adjournment on the ground that the report has been uploaded only two days back on 07.09.2020, we find from the record that the report was uploaded on 02.07.2020 as earlier date was 06.07.2020. Since the matter was not listed on that day, the report was uploaded

again on 07.09.2020. There is no prejudice to the State of Andhra Pradesh as State of Andhra is fully conversant with the issue and also presented its view point before the joint committee constituted by this Tribunal. The report is reiteration of the stand of the MoEF&CC. We do not find any justification for the adjournment or rejecting the view of the independent Committee. The project has potential of impact on the environment and is not merely for water supply but also involves irrigation and thus, EIA and EC are necessary as per procedure laid down in the EIA Notification 2006. The project proponent may thus ensure compliance of the statutory clearances before going ahead with the project.

6. Since it has been found that EC is necessary, a Committee of CPCB, State PCB, SEIAA, Andhra Pradesh and District Magistrate, Andhra Pradesh may determine the extent of damage caused and the amount of compensation liable to be paid to the affected persons and furnish a report to this Tribunal within six months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The State PCB will be nodal agency for coordination and compliance.

A copy of this order be forwarded to the CPCB, State PCB, SEIAA, Andhra Pradesh and District Magistrate, East Godavari District, by e-mail for compliance.

List for further consideration on 12.04.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 09, 2020
Original Application No. 175/2018
& Original Application No. 350/2018
DV

**GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT**

From
Smt. Yesoda Bai. R. IFS.,
District Forest Officer,
West Godavari, Eluru.

To
The Revenue Divisional Officer
Jangareddigudem
West Godavari District,

Rc.No.4582/2020/TO, Dt. .06.2021.

Madam,

Sub:- Pattisam Lift Irrigation Scheme – West Godavari District – Polavaram Mandal – Polavaram and Pattisam Villages – Land acquired Ac.162.19 Cents for the Pattisam Lift Irrigation Project – Request to certify whether it is forest land or not – Report – Reg.

Ref: 1. Revenue Divisional Officer, Jangareddygudem, Roc.No. 952/2010/R&R, dt.17.06.2021.
2. Forest Range Officer, Polavaram, Rc.No.154/2021-Plv dt.17.06.2021



Adverting to the reference 1st cited above, the undersigned it was instructed the Forest Range Officer, Polavaram to inspect and conduct discreet enquiry of the lands mentioned in the reference 1st cited whether the land falls in any notified forest or not.

The Forest Range Officer has submitted his report vide ref. 2nd cited, stating that the area in question was verified by the Forest Section Officer, Polavaram in presence of the revenue officials of Pattisam and Polavaram Villages and reported that there is no notified forest land acquired for the Pattisam Irrigation Project in Pattisam and Polavaram Villages of Polavaram mandal.

In view of the above, It is inform^d that there is no notified forest land in the land acquired for the Pattisam Irrigation Project in Pattisam and Polavaram Villages of Polavaram mandal pertaining to Eluru Forest Division.

Yours faithfully,

Bl
District Forest Officer
West Godavari, Eluru

17/6

17/06/21
BOM
17/6

**GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT**

Rc.No.154/2021-Plv
Dt. 17.06.2021

Office of the Forest Range Officer
Polavaram Range, Polavaram

From
Sri Daveedu Raju Nayudu,
Forest Range Officer,
Polavaram.

To
The District Forest Officer,
West Godavari District,
Eluru.

Madam,

Sub: Pattisam Lift Irrigation Scheme – West Godavari District – Polavaram Mandal – Polavaram and Pattisam Villages – Land acquired Ac.162.19 Cents for the Pattisam Lift Irrigation Project – Request to certify whether it is forest land or not – Report submission of - Reg.

- Ref: 1) Revenue Divisional Officer, Jangareddygudem, Roc.No. 952/2010/R&R, dt.17.06.2021.
2) Telephonic instructions of District Forest Officer, West Godavari District, Eluru dt.17.06.2021.
3) Forest Section Officer, Polavaram field inspection report dt.17.06.2021.

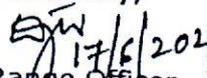
>>>>&<<<<

In obedience to the references cited above, it is submitted that the Forest Section Officer, Polavaram Section has submitted field inspection report stated that they have thoroughly verified all the survey numbers of land acquired for the Pattisam Irrigation Project in Pattisam and Polavaram Villages of Polavaram mandal in presence of Revenue Department officials of Pattisam and Polavaram Villages. Further, he stated that there is no notified forest land in the land acquired for the Pattisam Irrigation Project in Pattisam and Polavaram Villages of Polavaram mandal.

In view of the above, I submit that there is no notified forest land in the land acquired for the Pattisam Irrigation Project in Pattisam and Polavaram Villages of Polavaram mandal.

This is submitted for favour of kind information.

Yours faithfully,


 17/6/2021
 Forest Range Officer
 Polavaram Range
 Polavaram

Government of Andhra Pradesh
Department of Fisheries

From
K.S.V Nagalingacharyulu.,M.Sc
Joint Director of Fisheries (FAC),
West Godavari., Eluru

To
The Executive Engineer
Pattiseema(Lift Irrigation Project)
Kovvuru, West Godavari

Re.No 445/A5/2021 dated 17.06.2021

Sir,

Sub: - Fisheries-Impact Study on Fish and Flora affected by construction of Pattisam Project (lift Irrigation Project) West Godavari- Objections raised by National Green Tribunal - Report – Regarding.

- Ref:- 1.Re.No445/A5/2021. Dt.03.04.2021 of this office
2.Draft Committee report of Central pollution control board as per the Hon'ble Green Tribunal orders Dt.09.09.2020
3.Lr.No Pattisam. Lift Scheme Dt.09.04.2021&15.04.2021 of AIF Polavaram&ADF,Kovvur
4. Lr.No DEE/Sub Division 3/TPG/KVR/NGT/camp1/Dt.10.04.2021
5. Re.No 445/A5/2021 dated 17.04.2021 of this office.

Kind attention is invited to the reference 5th cited, wherein a report sent pertaining to fish production data from pattisam village, Polavaram Mandal regarding the objections raised by the Hon'ble national Green Tribunal pertaining to Fisheries Department on ““ *Impact of suspended solids in excess of 100ppm on gills of young fish and development of Fish eggs* “. But some discrepancies found in the sent report, Hence the revised report as detailed below is submitted herewith

Revised Details of Crafts and their catch Year wise in the Pattisam area :-

Sl.No	Year	No. of Crafts	Inland Fish		Fresh water Prawn	
			Target In Tonnes	Achievement in Tonnes	Target (tons)	Achievement In Tonnes
1	2014-15	11	20	24.35	3	4.5
2	2015-16	14	21	25.10	5	5.50
3	2016-17	15	22	26.00	8	8.5
4	2017-18	15	23	26.80	9	9.5
5	2018-19	20	24	27.50	10	10.9
6	2019-20	22	24	28.00	11	12.6

In view of the above the effect on suspended solids choking the gills and development of fish eggs is negligible as there is no decrease in fish catches from the last 6 years and the livelihood of the traditional fishermen has not been affected the near the Pattisam lift irrigation project area.

This is submitted for favour of information

Your faith fully
K.S.V Nagalingacharyulu
Joint Director of Fisheries,
West Godavari. P.S.

From
District Medical & Health Officer
West Godavari District
Eluru.

To
The Superintending Engineer
PIPHW Circle
Dowlaiswaram, E.G.Dt.

Sir,

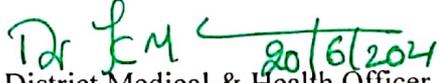
Sub: Impact of Construction of Pattiseema lift Scheme on the Local public-Enquiry Report submitted-Regarding.

Ref: Rc.No.T8/SPL/Dy.DMHO.KRP/2021 of the Dy DMHO K.R.Puram West Godavari District, Dated:20.06.2021.

With respect to the reference cited above, Dr. Murali Krishna, Dy.DMHO and Dr. Muralidhar, Medical Officer –PHC Vinjaram has conducted an enquiry on the local public regarding the number of cases registered for bronchitis and other respiratory issues during the construction and after the construction of Pattiseema Lift Scheme i.e., April-2015 to till now in near and around the area of construction.

1. On enquiry no severe respiratory issues noted.
2. There is no spike in regular minor ailments of respiratory issues too
3. Observed normal trends in respiratory issues like cough, flu like symptoms etc, which are not related to the above said construction of lift irrigation scheme.

Yours faithfully,


District Medical & Health Officer
West Godavari District, Eluru.

From
Dy. District Medical & Health Officer
I.T.D.A, K.R.Puram
West Godavari District

To
The District Medical & Health Officer
West Godavari District
Eluru

Rc.No T8/Spl/Dy.DMHO,KRP/2021

Madam,

Sub: APH&FW – submission of detailed report on health issues i.e., Lungs infections, bronchitis due to construction of Pattiseema Lift Scheme- Pattiseema- Submitting-Reg.

Ref: Polavaram lift Irrigation Scheme – information submitted by Medical Officer Vinjaram – Regarding.

Adverting the reference cited above, I am herewith submitting few lines before you for your kind consideration.

In view of the above our field staff have conducted door to door survey in Pattiseema and near and around the Pattiseema Project to trace any Bronchitis, Lung infection diseases on account of construction of Pattiseema Lift Scheme during the period from 2015-2020 .

In this context there was no significant impact of health issues due to construction of the above said lift irrigation scheme.

Further, I am herewith submitting few evidences of people pulse in this regard.

Thanking you sir.

Yours faithfully

H. C. Praveen Krishna
Dy. District Medical & Health Officer ²²/₀₆/2021

**Dy. District Medical & Health Officer
I.T.D.A, K.R.Puram, W.G.Dist**

From
Medical Officer
Primary Health Centre
Vinjaram, W.G.Dt.

To
The Executive Engineer
PIPRMC Division 1
Kovvur.

Sir,

Sub: To certify Hazardous diseases/ Water borne Diseases due to lift irrigation in PHC- Vinjaram jurisdiction.

Ref: Lr.No.DB/TO/PLS/KVR/NGT/196-M - Dt:16.06.2021.

With reference to the above subject, I, K.Muralidhar, Medical Officer PHC Vinjaram, hereby certify that No cases of Malaria, Dengue Fever or other water Born diseases have been reported since inception of the Pattiseema Lift Scheme i.e., 01.04.2015 to till now as per the daily surveillance reports received from the field staff in relation to the lift irrigation schemes in jurisdiction of PHC Polavaram.

Yours faithfully


12/6/2021
Medical Officer
PHC VINJARAM

To
 The medical officer,

అయ్యో M. Lakshmana Rao గ్రామ పేరు P.H.C Vinjararam subcenter

Pathiceema village లో MPHA (M) 2013 Aug 24 నుండి ఈ గ్రామంలో ఏకీకరించబడింది. వీలవరకు ట్రాజెక్ట్ నియంత్రించే మరియు lift irrigation నియంత్రించే ఏకీకరించిన రోగాల గానీ, కిరీటితలు నియంత్రించే గానీ మరియు ఏకీకరించిన రోగాల వల్ల. 2015 నుండి ఇప్పటి వరకు మేము ఫీల్డ్ సర్వే చేయగా ఎవరికి ప్రతి ఒక్కరి రోగాలలో ఎవరు ఇబ్బందిపడటం జరగవలసి. D.M.H.O గారు పంపిన message ప్రకారం ప్రజాస్వామ్య సేవకు చేయగా తిరుగు వారు ఎటువంటి ఇబ్బందులు లేవని చెప్పడం జరిగింది. ప్రజల తిరుగు సర్వేలో సర్వే చేసే మేము ఈ రిపోర్ట్ ఇవ్వడం జరిగింది. తిరుగు తిరుగుగా ప్రజలకు గ్రామ ప్రజల సర్వేలో మేము తిరుగుచేయడం జరిగింది ఇందు సాక్షులు.

- 1 కె.మ. రం బాబు కరతం.
- 2 B. రవిబాబు.
- 3 జుట్టా నాగభూషణం
- 4 P. నాగరాజు
- 5 మజ్జు. క్రొవారి
- 6 మండల కార్యదర్శి
7. వారాహి రాజు
8. కుబ్జం. కిరీ నాగేశ్వర రావు.
9. T. పంతుల కేశవ్
10. M. రామకృష్ణ

11. పుట్టి నాగ సుబ్బారావు
12. అంజలి సుధా
13. రెడ్డి. అశోక్
14. V. Ravi prasad.
15. ఎర్రవరం నాగ కృష్ణ
16. P. Govi Reddy