

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT CHENNAI(SZ)

O.A. 27 OF 2023

Tellam Naresh

.... Petitioner

Vs

Union of India and 3 others

... Respondents

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DATED AT CHENNAI ON THIS THE 11TH DAY OF JULY 2023


COUNSEL FOR RESPONDENTS 2 AND 4

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
ORIGINAL APPLICATION No. 27 of 2023

IN THE MATTER OF

1. Mr. Tellam Naresh
S/o. Nageshwarao
Sithanagram Village, Parnashala Post,
Dummugudem Mandalam, Bhadradi
Kothugudem District, Telangana 507137.

2. Mr. Bura Laxminarayana
S/o. Jogaiah
Kamalapuram, Mangapeta Mandal,
Mulugu district, Telangana State 506172 : Applicants.

Versus

1. Union of India
Rep. by its Secretary,
Union Ministry of Environment, Forest & CC
Indira Paryavaan Bhavan
New Delhi. 110003.

2. Union of India,
Rep. by its Secretary
Union Ministry of Jal Shakti
Sram Shakti Bhavan
Rafi Marg, New Delhi. 110001

3. Irrigation & CAD Department, Telangana
Rep. by its Principal Secretary,
J-Block, 6th Floor, room No.623,
Secretariat Road, Opp. BRKR Building,
Hyderabad, Telangana 500022.

4. Godavari River Management Board,
Rep. by its Member Secretary,
Government of India, Ministry of Water Resources
5th floor, Jalsoudha, Errum Manzil,
Hyderabad, Telangana 500082.

Bura 30/06/2023

5. Telangana State Pollution Control Board,
Rep. by its Member Secretary,
A-3, Paryavaran Bhavan
Sanath Nagar Industrial Estate,
Sanat Nagar, Hyderabad 500018.

: Respondents.

REPLY AFFIDAVIT FILED BY RESPONDENT Nos. 2 and 4.

I, Bathula Venkataswamy son of Late Shri B. Pullaiah working as the EE (Admn), having office at Godavari River Management Board (GRMB), Government of India, Department of Water Resources, 5th floor, Jalasoudha, Errum Manzil, Hyderabad, Telangana 500082 do hereby solemnly affirm and sincerely state as follows:

1. I am working in the Office of the fourth Respondent herein and as such I am well acquainted with the facts of the case. I have been duly authorized to sign this affidavit on behalf of Respondent Nos 2 and 4.
2. It is submitted that the Original Application is filed and raised various issues on construction of Sitammasagar Barrage without environmental clearance, Forest clearance and in violation of EIA Notification of 2006 and intermily prayed to direct the respondents of Government of Telangana not to proceed with the construction without these clearances.
3. At the outset, it is respectfully submitted that the applicants have not made any specific prayer in respect of Respondent No. 2 Ministry of Jal Shakti (MoJS) and Respondent No.4 Godavari River Management Board (GRMB) since they are not anyway associated with the construction of Sitarama Sagar Project and GRMB is not mandated to take any action against the project authorities.
4. It is submitted that as per "Guidelines for Submission, Appraisal and Acceptance of Irrigation and Multipurpose Projects, 2017" of then Ministry of Water Resources, River Development & Ganga Rejuvenation (MoWR, RD&GR), Advisory Committee of Department of Water Resources, River Development & Ganga Rejuvenation (DoWR, RD&GR), Ministry of Jal Shakti (MoJS), "on Major & Medium Irrigation, multipurpose and flood control projects" conveys its acceptance to the proposals of such projects on inter-State rivers, submitted by Project Authorities, based on techno-economic appraisal of the same by Central

B. Venkataswamy
30/06/2023

Water Commission (CWC). Thereafter DoWR, RD&GR, MoJS conveys Investment Clearance for the projects accepted by the Advisory Committee, based on statutory clearances necessary for the Projects.

5. As per the provisions of the section 84(1) of the Andhra Pradesh Reorganization Act 2014, the Central Government has constituted an Apex Council headed by the Union Minister of Jal Shakti and the Chief Ministers of the States of Andhra Pradesh and Telangana as its members, which functions inter-alia include planning and approval of proposals for construction of new projects, if any, based on Godavari or Krishna River water, after getting the proposal appraised and recommended by the River Management Boards and by the Central Water Commission, wherever required.

6. In pursuance to the provisions of section 85(1) of the Andhra Pradesh Reorganisation Act, 2014, The Central Government has also constituted the Godavari River Management Board (GRMB), which functions inter-alia include making an appraisal of any proposal submitted by Project Authority for construction of new projects on Godavari River and giving technical clearance, after satisfying that such projects do not negatively impact the availability of water as per the awards of the Tribunals constituted under the Inter-State River Water Disputes Act, 1956 for the projects already completed or taken up before the appointed day.

7. DoWR, RD & GR, MoJS issued a Notification S.O. 2843(E) by publishing it in the Gazette on 15.07.2021 under Section 87(1) of APRA-2014 through which jurisdiction of GRMB has been notified.

8. As per clause 2(f) & 2(g) of the Notification S.O. 2843(E) within six months from the date of publication of this notification, both State Governments shall get complete the unapproved projects appraised and approved as per the provisions of the said Act and in accordance with the decisions taken in the 2nd meeting of the Apex Council. If approvals are not obtained within the stipulated time of six months, such completed unapproved projects shall cease to operate. This notification has come into force with effect from the 14th day of October, 2021. The said stipulated time has been extended up to 14.07.2022 vide Gazette Notification vide S.O.1562(E) dated 01.04.2022.

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9. With regard to paragraph 3, it is submitted that Central Water Commission (CWC) forwarded a copy of DPR of the Sita Rama LIS to GRMB on 02.01.2022 after receiving it from GoTS., the GRMB Secretariat after broad examination sent comments/observations to CWC on 21.01.2022. Thereafter, the CWC requested GoTS vide letter dated 25.11.2022 to prepare and submit a consolidated DPR of Sita Rama Lift Scheme and Sitamma Sagar Multipurpose Project (SSMPP) and stated that DPR of Sita Rama LIS shall be treated as returned. The CWC forwarded a copy of DPR of combined final/ modified DPR of Sita Rama LIS along with Sitamma Sagar Barrage on 10.03.2023 after receiving it from GoTS for its broad examination and the broad observations of GRMB have been submitted to CWC vide letter dated 24.04.2023, which is currently under examination in CWC.

10. With regard to paragraph 5, it is submitted that the Sita Rama Lift Irrigation Scheme has been included in Schedule-1 of Notification of jurisdiction of GRMB dated 15.07.2021 as unapproved Project (Sl.No.69). As per clause 2(f) and 2(g) of the Notification S.O.2843(E) within six months from the date of publication of this notification, State Governments shall get complete the unapproved projects appraised and approved as per the provisions of the said Act and in accordance with the decisions taken in the 2nd meeting of the Apex Council. If approvals are not obtained within the stipulated time of six months., such completed unapproved projects shall cease to operate. This notification shall come into force with effect from the 14th day of October, 2021. The said stipulated time has been extended upto 14.07.2022 vide Gazette Notification vide S.O.1562(E) dated 01.04.2022.

11. GRMB vide letter dated 20.12.2021 requested GoTS to submit the DPR of Sitammasagar Project for appraisal, in accordance with provision of Sub Section 85(8)(d) of APRA, 2014 and clause 2(f) and 2(g) of the notification dated 15.7.2021 and immediately stop the construction of the project till the DPR is appraised and approved by competent authorities under the Central Government.

12. It is further submitted that the GRMB received combined final/modified DPR of Sita Rama LIS long with Sitamma Sagar Barrage on 10.03.2023 forwarded by CWC after receiving it from GoTS. GRMB has sent its broad

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observation to CWC vide its letter dated 24.04.2023, which is currently under examination in CWC.

13. With regard to Paragraphs 1, 2, 4, 6, 7, 10 to 18 of above OA, it is submitted that these paras are not directed against the Respondent Nos 2 and 4. Hence, no comments. Moreover, Water being a State subject, planning and construction of water resources Projects are undertaken by the State Government of Telangana (in the instant case) and Respondents Nos 2 and 4 are not mandated to take any action against the Project Authority.

Prayer

In view of the submissions made above regarding role of Respondent No. 2 (Ministry of Jal Shakti) and Respondent No. 4 (Godavari River Management Board), the above paras do not come under the purview of Respondent Nos. 2 and 4 nor they are mandated to take any action against the State Government. Hence, the Hon'ble National Green Tribunal may kindly exempt the Respondent Nos. 2 and 4 from the purview of the Original Application No.27 of 2023.

Verification

I, Bathula Venkataswamy son of Late Shri B. Pullaiah, aged about 58 years, Designation: Executive Engineer (Admn), Godavari River Management Board, 5th Floor, Jalasoudha, Errum Manzil, Hyderabad, Telangana representing the respondent Nos. 2 and 4 herein, do hereby verify and declare that the contents stated in the above reply affidavit are true and correct to the best of knowledge and belief.

Date: 30.06.2023

Place: Hyderabad.

* * * * *

B. Venkataswamy
30/06/2023
BATHULA VENKATASWAMY
Respondent Nos 2 and 4

कार्य निर्वहक अभियन्ता/ Executive Engineer
गोदावरी नदी प्रबंधन बोर्ड
GODAVARI RIVER MANAGEMENT BOARD
भारत सरकार / Government of India
हैदराबाद./HYDERABAD.

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S.JANARTHANAM
SENIOR PANEL CENTRAL GOVT
COUNSEL
COUNSEL FOR RESPONDENTS 2 & 4