

Item No. 2 (i) to (v):-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Dated this the 21st day of May, 2024.

(Through Video Conference)

**Original Application No.123 of 2022(SZ) &
I.A. No.11 of 2023 (SZ)**

WITH

Original Application No.146 of 2022 (SZ)

WITH

Original Application No.51 of 2023 (SZ)

WITH

Original Application No.68 of 2023 (SZ)

WITH

**Original Application No.102 of 2023 (SZ) &
I.A. No.93 of 2023 (SZ)**

IN THE MATTER OF

1. Gottimukkala Suresh Reddy B.Tech,

S/o Late Ramakrishna Reddy,
Aged about 47 years,
Technocrat, R/o H. No. 1-9, Peddapur Village,
Julapalli Mandal, Peddapally District, Telangana State.

2. A. Karnakar Reddy

S/o Hanumantha Reddy, MSc BLi,
SC. Aged 65 years, Retd. Employee,
R/o 3-37 Madaka (V) Odela (M) Peddapally (Dist)
Telangana- 505152.

3. Nomula Sadashiva Reddy,

S/o Raghavareddy,
Aged about 45 years, Village Secretary,
Madaka Mandal Odela,
Peddapally District.

...Applicant(s)

Versus

1. The District Collector & DLSC, Chairman,

Peddapally District, Collectorate,
Peddapally- 505172.
Telangana State.

2. The Chief Secretary & State Level Sand Committee,

Chairman, Government of Telangana, Block C,
3rd Floor, Telangana, Secretariat,
Khairatabad, Hyderabad, Telangana- 500001.

3. Vice-Chairman and Managing Director,

Telangana State Mineral Development Corporation,
6-2-915, HMWSSB Premises, Rear Block,
3rd Floor, Khairatabad, Hyderabad, Telangana- 500004.

4. Member Secretary - State Level Environmental Impact Assessment Authority

A3, Industrial Estate, Sanathnagar, Hyderabad- 500018.

5. Union of India

Represented by its Secretary,
Ministry of Environment, Forest and Climate Change, India,
Paryavarana Bhavan Jorbagh Road, New Delhi-110003.

6. Telangana State

Environment, Forests, Science and Technology,
Represented by Secretary, Secretariat,
Hyderabad- 500001.

7. Secretary, Mines and Geology Department,

My Home Sarovar Plaza,
H.No. 5-922, Flat No. 203 & 204,
2nd Floor, Shahpur Wadi, Adarsh Nagar,
Hyderabad- 500063.

8. M/s Sankineni Krishna Rao

Managing Partner - M/s. S.K.R. Constructions,
H. No. 1-2-270/103/A/A/2, KK Road,
Suryapet, Nalgonda District- 508213.

...Respondent(s)

With

N. Jagadeeshwar Rao,

S/o Nagineni Satyanarayan Rao,
Aged about: 60 years, Occ: Farmer,
R/o 2-52, Mutharam (Manthani),
Karimnagar District, Telangana.

...Applicant(s)

Versus

1. The State of Telangana,

Represented by its Chief Secretary, Government of Telangana,
Secretariat Building, Secretariat,
Hyderabad.

2. The State of Telangana,

Rep. By its Spl. Chief Secretary,
Department of Environment, Forest, Science & Technology,
Secretariat Building, Secretariat,
Hyderabad.

3. The State of Telangana

Rep by its Spl. Chief Secretary,
Irrigation & CAD Department,
Secretariat Building, 6th Floor,
Government of Telangana, Hyderabad.

4. Department of Mines and Geology,

Rep by its Director,
My Home Sarover Plaza, Flat No. 203 & 204,
2nd Floor, House No: 5-922, Shapurwadi,
Adarshnagar, Secretariat Road,
Hyderabad- 500063.

5. Telangana State Mineral Development Corporation Limited,

Rep. By its Vice Chairman & Managing Director,
M/s # 6-2-915, HMWSSB Premises,
Rear Block, 3rd Floor, Khairathabad,
Hyderabad- 500004.

- 6. Telangana State Pollution Control Board,**
Rep. By its Member Secretary,
Paryavarana Bhavan, A-3 Industrial Estate,
Sanath Nagar, Hyderabad- 500018.
- 7. The District Collector & Chairperson,**
District Level Sand Committee,
Peddapalli District,
Telangana.
- 8. The Environmental Engineer, Regional Office,**
Telangana State Pollution Control Board,
Ramagundam,
Peddapalli District- 505 206.
- 9. The Executive Engineer,**
Irrigation Circle,
Peddapalli Mandal,
Peddapalli District, Telangana.
- 10. The Executive Engineer,**
Irrigation Circle,
Manthani Mandal,
Peddapalli District, Telangana.
- 11. M/s N. Swarna Electricals & Civil Constructions,**
Represented by its Proprietor,
H.No.23-6-230/1, Behind JSM School,
Hunter Road,
Hanamakonda Warangal (U) – 506 001.
- 12. M/s. Sampath Vinayaka Infra Projects,**
Represented by its Proprietor,
H. No. 6-3-1247, Metro Residency,
Flat No.304, Rajbhavan Road, Somajiguda,
Hyderabad - 500 082.
- 13. Suryodaya Infra Projects (I) Pvt Ltd,**
Represented by its Director,
D.No.7-1-644, Plot No. 45,
1st Floor, Sunder Nagar Colony,
Sanathnagar, Hyderabad – 500 018.
- 14. Om Dhar Engineering Pvt Ltd,**
Represented by its Director,
2nd Floor, Srinivas Square,
6 Vittal Rao Nagar, Madhapur, Hyderabad – 500 081.
- 15. M/s. KSR Constructions,**
Represented by its Sole-Proprietor,
H.No.2-10-204C, Bhagyanagar, Karimnagar – 505 001.
- 16. Salvo Explosives & Chemicals Pvt Ltd,**
Represented by its Director,
P.No. 17, Srimalani Co-operative Housing Society,
Indian Airlines Colony, Thirumalgiri,
Secunderabad – 500 015.
- 17. RKI Builders Pvt Ltd,**
Represented by its Director,
IV Floor, 8-2-269/W/7, BKLR House Road,
No.2, Women's Society, Adj. Sagar Society,
Banjara Hills, Hyderabad – 500 034.

18.Saidax Engineering & Infrastructures Private Limited,

Represented by its Director,
Plot No.79, Kavuri Hills, Madhapur,
Hyderabad – 500 079.

19.S.N. Logistics,

Represented by its Sole-Proprietor,
H.No.5-249, Opp. Bus stand,
Beside District Legal Metrology Office,
Mancherial District.

20.Devi Engineering and Constructions Private Limited,

Represented by its Director,
G-1, IVY Grand, Nasanna Nagar,
Suryaraopeta, Kakinada,
Andhra Pradesh – 533 003.

21.M/s. SKR Constructions,

Represented by its Sole-Proprietor,
H.No. 1-2-270 II A3 IA 12,
KK Road, Nalgonda District.

22. R.K. Infra Corp Pvt Ltd,

Represented by its Director,
Flat No.207, Lumbini Enclave,
Opp. NIMS, Panjagutta, Hyderabad-500082.

23. R. Vidya Sagar Rao,

Flat No. 1703, A Block Meenakshi Trident,
I T Towers, Gachibowli, Hyderabad-500032.

24. Harsha Constructions Private Limited,

Represented by its Director,
2nd Floor, BGR Towers, Opp Congress Bhavan,
Hanamkonda, Warangal – 506 001.

25. Sri Raja Rajeswari Constructions (India) Pvt Ltd,

Represented by its Director, #8-2-2681R/ 5,
Ground Floor, Sri Laxminarshimha Sai Building,
Sagar Society Road, Banjara Hills, Road No. 2, Hyderabad – 500 034.

26. Sai Pavani Constructions India Pvt Ltd,

Represented by its Director, Plot No. 391,
Flat No. 301, Padmini Nilayam Road No. 23,
Ayyappa Society, Madhapur, Hyderabad -500 081

27. Hima Sai Constructions,

Represented by its Sole-Proprietor, 1-9-295/32/5,
Flat No. 404, Street No.7, Om Shanthi Nivas Apartment,
Vidyanagar, Hyderabad – 500 044.

...Respondent(s)

With

1. Gadeela Raghuveer Reddy,

S/o Gadeela Narasimha Reddy,
Aged about 36 years, Occ: Business,
R/o. H. No. 3-11, Kondapaka, Kondapaka
Mandal, Siddipet, Telangana- 502372.

2. A. Karnakar Reddy

S/o Hanumantha Reddy, MSc BLi SC,
Aged 65 years, Retd. Employee,
R/o 3-37 Madaka (V) Odela (M) Peddapally (Dist)
Telangana- 505152.

...Applicant(s)

Versus

- 1. The Union of India**
Ministry of Environment, Forest & Climate Change,
Indira Paryavarana Bhavan,
Jorbagh Road, New Delhi- 110003.
- 2. The State of Telangana,**
Environment, Forest, Science & Technology,
Rep by its Secretary,
Secretariat, Hyderabad- 500001.
- 3. The State Level Sand Committee,**
Government of Telangana,
Rep by the Chief Secretary & Chairman,
Block C, 3rd Floor, Secretariat, Khairatabad,
Hyderabad, Telangana State- 500001.
- 4. District Level Sand Committee,**
Karimnagar District, Collectorate,
Karimnagar, Telangana State- 505 172.
Rep. by the District Collector & Chairman.
- 5. Telangana State Mineral Development Corporation,**
Rep by its Vice-Chairman & Managing Director,
6-2-915, HMWSSB Premises, Rear Block, 3rd Floor,
Khairatabad, Hyderabad, Telangana- 500004.
- 6. The State Level Environmental Impact Assessment Authority,**
Environment, Forests, Science and Technology,
Represented by its Member Secretary,
4th Floor, Aranya Bhawan,
Hyderabad- 500004.
- 7. Secretary, Mines and Geology Department,**
My Home Sarovar Plaza,
H.No. 5-922, Flat No. 203 & 204,
2nd Floor, Shahpur Wadi, Adarsh Nagar,
Hyderabad- 500063.
- 8. M/s Sun Infratech,**
Rep by its Director
Mr. Jampala Madhusudhan Reddy,
S/o. Narayana Reddy
Office at Plot No. 87,
H/No. 1-65/A/1,
Kavuri Hills, Madhapur, Hyderabad- 500081.
- 9. M/s KSR Infra Works (India) Pvt. Ltd,**
Office at Flat No. 18, Beside Sankruthi School,
GEM Motors Road, Raghavendra Colony,
Kondapur, Hyderabad,
Telangana-84.
- 10. M/s Challa Infra Projects Pvt. Ltd.,**
Rep by its Director Samreddy Rakesh Reddy,
Office at 5-9-22/3, Flat No. 401,
Sri Venkateswara Pride Apts,
Adarsh Nagar, Hyderabad- 500063.
- 11. M/s Vesna Infrastructure Limited,**
Rep by its Managing Director,
Office at 6-3-252/2/6, 1st and 2nd Floors,
Erramanzil, Hyderabad, Telangana-500082.

12. M/s Sri Hanumanthu Ramu,

Rep by its Proprietor Sri Hanumanthu Ramu,
Office at Kamanchikallu,
Khammam (Rural) Mandal,
Khammam District.
Telangana- 507003.

13. M/s KSR Constructions,

Rep by its authorised signatory, Kondapally Venkateswar Rao,
Office at 2-10-2046,
Bhagya Nagar Colony,
Karimnagar District, Telangana- 505001.

...Respondent(s)

With

1. Gadeela Raghuveer Reddy,

S/o Gadeela Narasimha Reddy,
Aged about 36 years, Occ: Business,
R/o. H. No. 3-11, Kondapaka, Kondapaka
Mandal, Siddipet, Telangana- 502372.

2. A. Karnakar Reddy

S/o Hanumantha Reddy, MSc BLi SC,
Aged 65 years, Retd. Employee,
R/o 3-37 Madaka (V) Odela (M) Peddapally (Dist)
Telangana- 505152.

...Applicant(s)

Versus

1. The Union of India

Ministry of Environment, Forest & Climate Change,
Indira Paryavarana Bhavan,
Jorbagh Road, New Delhi- 110003.

2. The State of Telangana,

Environment, Forest, Science & Technology,
Rep by its Secretary,
Secretariat, Hyderabad- 500001.

3. The State Level Sand Committee,

Government of Telangana,
Rep by the Chief Secretary & Chairman,
Block C, 3rd Floor, Secretariat, Khairatabad,
Hyderabad, Telangana State- 500001.

4. District Level Sand Committee,

Jayashankar Bhupalpally District,
District Collectorate office, Manjoor Nagar,
Jayashankar Bhupalpally
Telangana State- 506169.

5. Telangana State Mineral Development Corporation,

Rep by its Vice-Chairman & Managing Director,
6-2-915, HMWSSB Premises, Rear Block, 3rd Floor,
Khairatabad, Hyderabad, Telangana- 500004.

6. The State Level Environmental Impact Assessment Authority,

Environment, Forests, Science and Technology,
Represented by its Member Secretary,

4th Floor, Aranya Bhawan, Saifabad,
Hyderabad- 500004.

7. The Secretary, Mines and Geology Department,

My Home Sarovar Plaza,
H.No. 5-922, Flat No. 203 & 204,
2nd Floor, Shahpur Wadi, Adarsh Nagar,
Hyderabad- 500063.

8. M/s RSR Infra Works (India) Pvt. Ltd,

Rep by its Managing Director R. Subba Raju,
Office at Flat No. 18, Beside Sankruthi School,
GEM Motors Road, Raghavendra Colony,
Kondapur, Hyderabad, Telangana-84.

9. M/s BSCPCL Infrastructure Ltd.,

Rep by its Director Sri Krishna Murthy,
Saravana Kumar S/o MV rishna Murthy,
Aged about 59 years, R/o 10-3-9/1, 9/2, 9/3
Flat No. 204 OHP Trident Towers,
East Marredpally, Hyderabad,
Telangana.

10. M/s Kaveri Engineering Projects Pvt Ltd.,

Rep by its Managing Director Sri Gujja Suman Rao,
Office at Flat No. 203, 6-3-1089/1/1,
Pavani Avenue, Rajbhavan Road, Somajiguda,
Hyderabad- 500082.

11. Sai Ram Granites,

Rep by its Managing Partner Sri N. Sri Ranga Rao,
Registered Partnership Firm
with address at H/No. 2-10-1000/1,
Jyothinagar, Karimnagar District,
Telangana- 505001.

12. M/s Sudhakara Infra Tech Pvt. Ltd,

Rep by its Managing Director, Sri A Sudhakara Reddy,
Address at Flat No. 304, Metro Residency,
Raj Bhavan Road, Hyderabad- 500082.

13. R.K. Infracorp Pvt. Ltd.

Rep by its Managing Director Smt. R. Madhavi,
Address at Flat No. 207, Lumbini Enclave,
Opp. NIMS, Panjagutta, Hyderabad- 500082.

14. M/s Suryodaya Infra Projects India Pvt. Ltd,

Rep by its Managing Director Sri B. Rajendra Prasada Rao,
Address at 7-1-644, Plot No. 45, 1st Floor,
Sunder Nagar Colony, Near ESI Hospital,
Hyderabad- 500038.

...Respondent(s)

With

1. Sandi Surendar Reddy,

S/o. Venkat Reddy,
2-35, Mallareddy Palli,
Veenavanka, Korkal (Jangampalle),
Karimnagar, Telangana- 505 502

2. Chitikesi Sathish Kumar,

S/o. Raja Mogilli,
3-40, Kangarhi, Kanagarhi,

Pedappalli, Telangana.

...Applicant(s)

Versus

- 1. Union of India, Rep. by Secretary
Ministry of Environment, Forests & Climate Change,**
3rd Floor, Prithvi Wing, Indira Parvayaran Bhawan
Jor Bagh, New Delhi-110003
- 2. State Environmental Impact Assessment Authority,
Telangana**
Rep. by its Chairman,
Forests A-3, Industrial Estate,
Sanathnagar, Hyderabad-500 018.
- 3. State of Telangana,**
Rep. by its Chief Secretary
5-4-399, Housing Board Building,
Mozam-Jahi-Market, Hyderabad.
- 4. Mines and Geology Department,
Rep. by its Director,**
Secretariat Building, Hyderabad
- 5. Telangana State Mineral Development Corporation Ltd**
Rep. by its Managing Director,
6-2-915, HMWSSB
Premises, Rear block,
3rd Floor, Khairtabad, Hyderabad,
Telangana- 500004.
- 6. Telangana State Pollution Control Board**
Rep. by its Chairman,
Paryavarana Bhavan,
A-3, I.E., Sanath Nagar, Hyderabad - 500 018
- 7. The District Collector, Pedapally,**
Integrated District Offices Complex District,
Peddapalli-505174
- 8. The District Collector, Karim Nagar,**
C4JG+9FX, Mukarampura,
Karimnagar, Telangana 505001
- 9. The District Collector, Jayashankar Bhupalpally,**
District collectorate office, Manjoor Nagar,
Jayashankar Bhupalpally 506169.
- 10. District Irrigation Officer, Pedapally,**
H. No. 5-6-51/2, Krishna Nagar,
Ramagundam, Peddapally District
- 11. District Irrigation Officer, Karim Nagar,**
No.1, LMD Colony, Karimnagar.
- 12. District Irrigation Officer, Jayashankar Bhupalpally,**
Mulugu, Telangana 506343
- 13. M/s. Challa Infra Projects Private Limited,**
Rep. by its Director,
5-9-22/3, Flat No. 401, Sri Venkateswara Pride Apts,
Adarsh Nagar, Hyderabad, Telangana.

- 14. M/s. Sri. Hanumanthu Ramu,**
Rep. by its Proprietor,
1-38, Kamanchikallu, Khammam (Rural Mandal),
Khammam District- 507 003.
- 15. M/s. Vensa Infrastructure Limited,**
Rep. by its Director
6-3-252/2/6, 1st & 2nd Floor,
Erramanzil, Hyderabad, Telangana- 500 082.
- 16. M/s. RSR Infra Works (India) Pvt Ltd.,**
Rep. by its Managing Director,
No.18, Beside Sankruthi School,
GEM Motors Road, Raghavendra Colony,
Kondapur, Hyderabad- 84.
- 17. M/s. KSR Constructions,**
Rep. by its Managing Partner,
H. No. 2-10-240C, Bhagyanagar,
Karimnagar- 505 001.
- 18. M/s. Sun Infra Tech,**
Rep. by its Authorized Signatory
A-112, Journalist Colony,
Road No. 70, Jubilee Hills,
Hyderabad- 500 033.
- 19. M/s. S.K.R Constructions**
Rep. by its Manager
No.1-2- 270IIIO3IAI2, K.K.Road,
Suryapet-SO8213, Nalgonda District
Email- Unknown
Phone No- Unknown
- 20. M/s. BSCPL Infrastructure Ltd,**
Rep. by its Senior Vice President,
8-2- 502 / I IA, JIVI Towers, Road No.7,
Banjara Hills, Hyderabad-500034.
- 21. M/s. Kaveri Engineering Projects Pvt Ltd,**
Rep. by its Managing Director,
Flat No.203, # 6-3-1089/ 1/ I,
Pavani Avenue, Rajbhaven Road,
Somajiguda, Hyderabad-500082
- 22. M/s. Salvo Explosives & Chemicals Private Limited,**
Rep. by its Managing Director,
Plot.No. 17, Srimalani Co-operative Housing Society,
Indian Airlines Colony, Thirumalagiri,
Secunderabad-50015, Telangana
- 23. M/s. Sai Ram Granites,**
Rep. by its Managing Director,
H. No. 2-10-1000/1, Jyothinagar,
Karimnagar- 505 001.
- 24. M/s. RKI Builders Pvt Ltd,**
Rep by its Managing Director
#8-2-269/W /7,
Plot No. 7, BLKR House, 4th Floor,
Women's Co-op Society,
Adj Sagar Society, Road No.2,
Banjara Hills, Hyderabad-500034.
- 25. M/s. Harsha Constructions Pvt Ltd.,**
Rep. by its Director,

2nd Floor, B.G.R.Towers, Opp. Congress Bhavan,
Hanmakonda, Warangal -506001, Telangana.

26. M/s. Hima Sai Constructions,

Rep. by its Authorized Signatory
1-9-29513215, Flat No. 404,
Street No.7, Om Shanthi Nivas Apartment,
Vidyanagar, Hyderabad-500044.

27. M/s. N. Swarna Electricals & Civil Constructions,

Rep. by its Authorized Signatory,
H.No.23-6-230 I I, Behind JSM School,
Hunter Road, Hanamakonda Warangal (U)-506001

28. M/s. Sampath Vinayaka Infra Projects,

Rep. by its Managing Partner,
H. No. 6-3-1247, Metro Residency, Flat No.304,
Raj bhavan Road, Somajiguda, Hyderabad - 500 082

29. M/s. Suryodaya Infra Projects (I) Pvt Ltd,

Rep. by its Authorized Signatory,
D.No.7-1-644, Plot No. 45, 1st Floor,
Sunder Nagar Colony, Sanathnagar, Hyderabad.

30. M/s. Om Dhar Engineering Pvt Ltd.,

Rep. by its Managing Director,
H.No. Second Floor,
Sriniasa Square, Vittal Rao Nagar, Madhapur, Hyderabad.

31. M/s. N. Swarna Electricals & Civil Contractors,

Rep. by its Authorized Signatory,
H.No. 23-6-230/1, Behind JSM School, Hunter Road,
Hanamkonda, Warangal (U)- 506 001.

32. M/s. Salvo Explosives & Chemicals Pvt Ltd.,

Rep. by its Vice- Chairman
P.No. 17, Srimalani Co-operative Housing Society,
Indian Airlines Colony, Thirumalgiri,
Secunderabad-500 015.

33. M/s. Saidax Engineering & Infrastructures Pvt Ltd.,

Rep. by its Authorized Signatory,
Plot No.79, Kavuri Hills,
Madhapur, Hyderabad-500079

34. M/s. S.N.Logistics,

Rep. by its Authorised Signatory,
H.No.5-249, Opp Bus stand,
Beside District Legal Metrology Office,
Mancherla District.

35. M/s. Devi Engineering and Constructions,

Rep. by its Authorised Signatory,
G-1, IW Grand, Nasanna Nagar,
Suryaraopeta, Kakinada,
Andhra Pradesh-533003

36. M/s. Sri Raja Rajeswari Constructions (P) Ltd.,

Rep. by its Authorized Signatory,
8-2-268/R/5, Ground Floor,
Sri Laxminarshimha Sai Building,
Sagar Society Road,
Banjara Hills, Road No. 2, Hyderabad-500 034.

37.M/s. R. K. Infra Corp Pvt Ltd,

Rep. by its Authorized Signatory,
Flat No.207, Lumbini Enclave,
Opp Nims, Panjagutta, Hyderabad-500082

38.M/s. R. Vidya Sagar Rao,

Rep. by its Managing Partner,
Flat No. 1703, A Block Meenakshi Trident,
I Towers, Gachibowli, Hyderabad-500032.

...Respondent(s)

O.A. No. 123 of 2022(SZ)

For Applicant(s): Mr. P. Lakshmanarao, Mr. P. Padmaja and
Ms. K. Uma.

For Respondent(s): Mrs. H. Yasmeen Ali for R1, R2, R4, R6 and R7.
Mr. A. Sanjeev Kumar, Spl. G.P. for R3.
Mr. S. Diwakar for R5.

O.A. No. 146 of 2022(SZ)

For Applicant(s): None.

For Respondent(s): Mrs. H. Yasmeen Ali for R1 to R4, R7, R9 & R10.
Mr. A. Sanjeev Kumar, Spl. G.P. for R5.
Ms. C.P. Kavitha Renjini for
Mr. T. Sai Krishnan for R6 & R8.

O.A. No. 51 of 2023(SZ)

For Applicant(s): Mrs. Madhuri Donti Reddy

For Respondent(s): Mr. T. Raghavan for R1.
Mrs. H. Yasmeen Ali for R2 to R4 & R7.
Mr. A. Sanjeev Kumar, Spl. G.P. for R5.
Ms. C.P. Kavitha Renjini for
Mr. T. Sai Krishnan for R6.
Mr. Y. Srinivasa Murthy, Sr. Adv.
For M/s. P. Venkaiah Naidu for R8.

O.A. No.68 of 2023(SZ)

For Applicant(s): Mrs. Madhuri Donti Reddy

For Respondent(s): Mr. T. Raghavan for R1.
Mrs. H. Yasmeen Ali for R2 to R4 & R7.
Mr. A. Sanjeev Kumar, Spl. G.P. for R5.
Ms. C.P. Kavitha Renjini for
Mr. T. Sai Krishnan for R6.
Mr. Y. Srinivasa Murthy, Sr. Adv.
For M/s. P. Venkaiah Naidu for R10, R12 to R14.

O.A. No.102 of 2023(SZ)

For Applicant(s): Mr. S. Sai Sathya Jith & Mr. S. Kamalesh Kannan
For M/s. TaaRS Associates.

For Respondent(s): Mrs. P. Kavitha for R1.
Mrs. H. Yasmeen Ali for R2 to R4, R7 to R12.
Mr. A. Sanjeev Kumar, Spl. G.P. for R5.
Ms. C.P. Kavitha Renjini for
Mr. T. Sai Krishnan for R6.

Judgment Reserved on: 03rd January, 2024.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

COMMON JUDGMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

O.A. No. 123 of 2022

1. The above application is filed by three of the applicants alleging large scale illegal sand extraction from Manair River of Peddapalli District in Telangana.

2. It is stated that the Telangana State Mineral Development Corporation (TSMDC) has invited tenders for extraction and transportation of sand and entered into agreements with the Contractors in March, 2022. The TSMDC had not obtained Environmental Clearance from the concerned departments, as they come under the exemption category. Since the sand sourced in the process of desiltation of sand under the check dams, they are exempted from the requirement of Environmental Clearance, Consent to Establish and Consent to Operate as per Clause No. 7 of S.O. 1224 dated 28.03.2020 which exempt "Dredging and Desiltation of Dams, Reservoirs, Barrages, Rivers and Canals for Disaster Management."

3. The allegation of the applicant is that by bringing it under the exemption category, the respondents are flouting the guidelines issued by the MoEF&CC and also the Telangana State Sand Mining Rules, 2015. The applicant has also alleged that large scale extraction of sand from 19 reaches within 15 km of

distance will lead to the depletion of the sand for future of surrounding villages. The water level in surrounding lands will go down to 4m - 6m, as a result the drinking water supply to the villages will be deprived.

4. It is further stated that every day 300 trucks of sand is being transported across the villages. The public safety and pollution control measures are not taken while transporting the sand. The trucks are allowed without proper way bills and transit passes. There is no control and check by the authorities to check the illegal sand transportation.

5. The grounds raised by the applicant are:

- (i) The respondents have not followed the guidelines issued by the MoEF&CC and Telangana State Sand Mining Rules, 2015.
- (ii) The public hearing was not conducted which was mandatory for environmental related projects.
- (iii) The TSMDC has not approached the SEIAA to get the Environmental Clearance and pollution clearance.
- (iv) Massive destruction of river due to indiscriminate extraction of sand destroying the environment, depletion of sand and ground water.

6. Based on the above grounds, the applicant has sought for:

- a. To call for the records pertaining to impugned agreement Ref. No. Contract Agreement No. TSMDC/Madaka-2(V)/dela (M) Pedapalli dist/sand/Legal/2022 made and entered into on 11.04.2022 between 3rd and 8th respondents to declare the same illegal, arbitrary and unconstitutional and set aside the same.
- b. Direct the respondents 1 to 7 to conduct deep and scientific study to prevent the illegal mining. All possible measure to prevent such violations as per existing law.

- c. Direct the official respondents to stop issuing any such approvals and tender notification until the environmental Clearance is obtained.

7. In response to the above, **the 3rd Respondent, Telangana State Mineral Development Corporation Ltd. (TSMDC)**, has filed its reply. The TSMDC has denied all the allegations made by the applicant in the application. It is stated that the Telangana had come with a new Sand Policy, 2014 vide G.O. Ms. No. 38, Ind.&Com (M.1) Dept. Dated 02.12.2014. As per the new Sand Policy, the entire sand mining activity in the State of Telangana is handed over to M/s. Telangana State Mineral Development Corporation and the sand extraction in the State is categorised as:

- (i) From river sand
- (ii) From de-siltation of reservoirs,
- (iii) De-casting from patta land.

8. As per G.O. Ms. No. 54 dated 21.08.2015, even de-cast of sand from patta lands is conducted by TSMDC by entering into an agreement with the pattadar to curtail the interference of the middle man and the sale price is fixed by the Government.

9. It is further stated that as per the Notification dated 15.01.2016 issued by MoEF&CC, removal of sand deposits on agriculture field after flood by farmers and dredging of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, up keep and disaster management do not require prior Environmental Clearance. As per the guidelines, desiltation of sand in the submergence will not be treated as mining operation and thus, Environmental Clearance is not required.

10. The irrigation Department is constructing 19 check dams in the river Manair at various villages of Sulthanabad, Odela, Srirampur, Mutharam and Manthani Mandals of Peddapalli District to meet the irrigation requirements and to improve the groundwater situation. The desiltation of sand in the submergence area of these check dams will enhance the capacity

of the check dam and smooth flow of water. It naturally increases the groundwater level in the area, since the water will be available in these check dams for most of the period in a year.

11. It is submitted that TSDMC is taking due care to protect the ground water, which is the major source of irrigation and prayed for dismissal of the application.

12. The TSMDC has filed another counter affidavit stating that with a view to store water for longer periods in river Manair, Government of Telangana has taken up construction of 22 check dams. Out of 22 check dams, 19 check dams are covered under this Original Application. Out of these 22 check dams, desiltation is carried out at 18 locations as per the requirement to store water upto designed capacity. These check dams are at different locations spread in a distance of 97 kms along the river course with a total storage capacity of 822.22 MCFT.

13. The District Collector conducted joint inspection of the check dam areas and inspected the submergence areas of these check dams. As per the observation more than 06m thickness of sand deposit in these submergence areas and also informed that the check dams has to be desilted 02 m depth to maintain water storage capacity of the check dams. In each check dam, it was proposed and approved by the DLSC to desilt approximately 1/4th area i.e. around 250m of submergence area to store the designed capacity. In all these 18 check dams, where desiltation is required, the DLSC approved a quantity of 1.48 crore cbm, out of which, a quantity of 34.37 lakh cbm is desilted so far.

14. The 5th respondent, MoEF&CC, has filed a reply affidavit. In the affidavit, MoEF&CC has quoted different G.Os, Notifications and Rules issued by them with respect to sand mining.

15. It is stated that the State Pollution Control Board is the nodal authority in the State for dealing with cases related to pollution or environment management coming under the purview

of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

16. The 8th respondent, M/s. S.K.R. Constructions, has filed a reply stating that they are scrupulously complying with all the terms mentioned in the Agreement dated 11.04.2022 without any deviation and is carrying out the work in accordance with the statutory rules and environmental laws.

17. It is also stated that the State Authorities are constantly supervising the work done by them and there is no violation of any rule as contemplated in the agreement. They are also carrying the extraction work within the demarcated area on the basis of the geo-coordinates. CCTVs are installed as per the agreement and there is no overloading.

18. They have also taken extreme care and caution in the works of extraction and in the course of transportation of the same without causing any hindrance or damage to the public road or causing any kind of pollution and prayed for dismissal of the application.

O.A. No.146 of 2022

19. Similarly, another Application was filed by one N. Jagadeeshwar Rao pertaining to the sand mining in Peddapalli District. The applicant has listed out the details of notification for desiltation of sand from submergence and upstream of check dams in 25 locations to transport the same quantity of sand to nearby stockyard.

20. The applicant has raised the similar grounds as that of O.A. No. 123 of 2022 and sought for following directions:

- a. Direct the respondents 1 to 10 to take appropriate legal action against respondent 11 to 27 for desiltation of sand from submergence and upstream of sand to nearby stockyard and again loading of sand into the lorries at stockyard vide Tender No. TSMDC/Sand/EXC/2022/991/1 to TSMDC/Sand/EXC/2022/991/25 dated 11.01.2022

done without following the Telangana State Sand Mining Rules, 2015 and Mining Policy Guidelines as issued in G.O. Ms. No. 38 dated 12.12.2014.

- b. Direct the respondents 11 to 27 to pay damages to restore the deteriorated check dams in 25 locations specified in the Tender No. TSMDC/Sand/EXC/2022/991/1 to TSMDC/Sand/EXC/2022/991/25 dated 11.01.2022 as deemed fit by this Tribunal.

21. Since the above Original Application was tagged with the O.A. No. 123 of 2022 vide order dated 28.02.2023, the TSMDC has filed a similar counter as filed by them in O.A. No. 123 of 2022.

O.A. No. 51 of 2023

22. The present application concerns the illegal activities in the form of sand mining by the respondents on the southern side of the Manair River falling in Karimnagar District. The Manair River is the border between the Peddapally District and the Karimnagar District of Telangana. One side of the width of the river falls in the Peddapalli District and the other side falls in Karimnagar District.

23. According to the applicants, the respondents are digging, extracting, removing, transporting and loading humongous amounts of sand from the river in the garb of desiltation and dredging. The TSMDC has entered into contracts with the contractors for the purpose of desiltation. Around 200 to 300 lorries are transporting the illegal mined sand on a daily basis without there being the requisite environmental clearance and pollution clearance.

24. According to the applicant, 24 check dams are being constructed on the Manair River and Hussainmiya River, not a single check dam is completed as of the date and the partially constructed check dams also have collapsed due to inferior build quality. The reports of the various authorities relied upon by the 4th Respondent are all false and fabricated. Therefore, in the

absence of barriers on the Maniar River in the form of check dams, there can exist no possibility of silt formation for the respondents to undertake desiltation.

25. The applicant has also pointed out the violations committed by the respondents such as conducting full-blown sand mining in the name of desiltation, inapplicability of the exemption under the 2016 Rules, violation of Clause 7 of the EIA Notification, 2006, and violation of Rule 20 of the Telangana State Sand Mining Rules, 2015.

26. It is alleged that the entire exercise is done without obtaining Environmental Clearance claiming to be an exempted category. It is pointed out that it is done for commercial purpose by the TSMDC. In view of the above, the applicant has sought for (a) declaring the action of the respondents in undertaking sand mining/extraction in the garb of desiltation and dredging on the southern side of the Manair River falling in Karimnagar District at Vavilala, Utoor Village, Challur, Mallareddypally, Kondapaka, Korekal and Pothireddypalli as illegal and unsustainable, (b) direct the respondents to forthwith cease all sand mining, extraction and alleged desilting activity on the southern side of the Manair River falling in Karimnagar District, (c) direct the respondents not to undertake any mining, desiltation or other activity including loading, transporting, storing and selling of silt or sand in pursuance of proceedings No. 274/sand/TSMDC/2022 dated 08.07.2022 issued by the District Collector & Chairman, DLSC, Karimnagar, (d) direct the respondents not to undertake any mining, desiltation or other activity including loading, transporting and selling of silt or sand in pursuance of the contracts entered into between the 5th respondent and the private contractors including the respondents and (e) impose exemplary penalty or penalties on the respondents including for violating environmental laws, rules and regulations while undertaking mining activity in the name of desiltation without obtaining an Environmental Clearance as required by law.

27. The 5th Respondent, MoEF&CC, has filed a reply affidavit. In the affidavit, MoEF&CC has quoted different G.Os, Notifications and Rules issued by them with respect to sand mining.

28. It is stated that the State Pollution Control Board is the nodal authority in the State for dealing with cases related to pollution or environment management coming under the purview of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

29. The 5th Respondent, TSMDC, has filed a counter narrating the G.Os, Notifications and Rules as mentioned by them in O.A. No. 123 of 2022. They have specifically stated that Irrigation Department is constructing 08 check dams in the river Manair at various villages of Manakondur, Veenavanka and Jammikunta Mandals of Karimnagar District to meet the irrigation requirements and to improve the groundwater situation. The desiltation of sand in the submergence area of these check dams will enhance the capacity of the check dam and smooth flow of water. It naturally increases the groundwater level in the area, since the water will be available in these check dams for most of the period in a year.

O.A. No. 68 of 2023

30. The same applicants who have filed O.A. No. 51 of 2023 with respect to Karimnagar District have also filed O.A. No. 68 of 2023 with respect to sand mining in Manair River and Godavari River in Jayashankar Bhupalpally District with similar facts, grounds and prayer as that of O.A. No. 51 of 2023.

31. The 5th Respondent, TSMDC, has also filed a similar affidavit as filed by them in O.A. No. 123 of 2022 and O.A. No.51 of 2023. They have stated that Irrigation Department is constructing check dams in the River Manair at various villages of Vencherami (v) of Chityala (M), Venkatraopally (Enchapally) (V) of Tekumatla (M) and Tadicherla, Mallaram & Vallamkunta (V) of Malhar Rao Mandal of Jayashankar Bhupalpally District to

meet the Irrigation requirements and to improve the groundwater situation. The desiltation of sand in the submergence area of these check dams will enhance the capacity of the check dam and smooth flow of water. It naturally increases the ground water level in the area, since the water will be available in these check dams for most of the period in a year.

O.A. No. 102 of 2023

32. Another application relating to sand mining activities carried out by respondents in Manair River, which runs through Karimnagar, Pedappally and Jaishankar Bhupalpally Districts of Telangana. Almost 45 sand reaches had been identified and are being operated for extraction of river sand, which is being done in an unscientific manner, affecting the ecology of the area.

33. According to the applicant, the river Manair runs between Upper Manair to Kaleshwaram. The said river is divided into three parts known as Upper Manair, Mid Manair and Lower Manair and the river passes through Karimnagar, Pedappally and Jaishankar Bhupalpally Districts of Telangana.

34. The applicant has narrated the orders passed by this Tribunal in O.A. Nos. 123 of 2022, 146 of 2022, 51 of 2023 and 68 of 2023 and order by the Hon'ble High Court of Telangana in W.P. No. 13459 of 2023.

35. According to the applicant, in order to escape from requirement of Environmental Clearance for excavating river sand from the Manair River, the respondent misuses the term desilting of dams. There are only two check dams in the river and about 17 new check dams are proposed and are under various stages of construction and 02 old check dams are in depleted condition.

36. It is stated that the impugned activity requires Environmental Clearance, even as per the Notification of the 1st Respondent. As dredging and desilting shall be done only for the purpose of maintenance, upkeep and disaster management.

37. On the above allegations, the applicants have sought for:

- I. To declare the activity of mining in Manair River in the Districts of (i) Karim Nagar, (ii) Pedappally and (iii) Jai Shankar Bhupalpally of Telangana State, without prior Environmental Clearance as illegal,
- II. To take penal action against the respondent 5 and respondent 13 to 38 for the violation of Environmental laws and to pass necessary order under Section 5 of the Environment (Protection) Act, 1986 to recover the same from the concerned officials responsible and prosecute them in accordance with law,
- III. To direct the respondent authorities, to take immediate measures to assess the damages that has been caused, on account of the illegal quarrying operation being carried out by the respondent 5 and respondents 13 to 38 and remediate the impugned area,
- IV. To direct the respondent authorities to initiate criminal prosecution against the concerned officers responsible for violations of the provisions of the environmental legislation.

38. In all the above Original Applications, the questions that arise for consideration are:

- (i) Whether the mining activity carried out by Telangana State Mineral Development Corporation Ltd. (TSMDC) through their contractors is illegal as the activity is done without prior Environmental Clearance.
- (ii) Whether the contract agreement entered between TSDMC and the private contractors is unconstitutional and the same needs to be set aside.
- (iii) Further they have sought for a deep study to prevent the illegal mining and direct the official respondents to stop issuing any such approvals or tender notifications until the prior Environmental Clearances are obtained.

39. In all the above applications, the allegations are that there is a large scale sand extraction from Manair River. The details of which are as follows:

O.A. No.	District	Villages involved	No. of reaches/ checkdams
123/2022	Peddapally	Nirkulla, Kanagarthi, Madaka, Kistampet	Totally 24 checkdams/ reaches across the Manair River
146/2022	Peddapally	Gollapalli, Gattepalli, Kadambapur, Thogarrai, Gundlapalli, Kanagarthy, Madaka, Pothkapalli, Roopnaraanape, Indurthy, Gumpula, Meerjampet, Kistampet, Motlapalli, Odedu, Adavisirampu, Gopalpur, ChinnaOdela	
51/2023	Karimnagar	Vavilala, Utoor, Challur, Mallareddypally, Kondapaka, Korekal, Pothireddypalli	
68/2023	Jayashankar Bhupalpally	Villasagar, Medigadda, Palugula&Maddulapapply, Tadicherla, Vallamkunta, Vencharami, Venkatrao Pally	
102/2023	All the above three districts	-----	

40. The Telangana State had reviewed the sand policy and came up with a new Sand Policy, 2014 vide G.O. Ms. No. 38 dated 02.12.2014 and formulated the Telangana State Sand Mining Rules, 2015 on 08.01.2015. As per the sand policy, the sand mining activity in the State of Telangana is handed over to TSDMC which is a State Government undertaking. The sand extraction is done in different categories, namely, (i) river sand, (ii) desiltation of reservoirs, (iii) decasting from patta lands. The TSDMC calls for e-procurement of extraction and dumping of sand from areas to be desilted and established stockyards in consultation with District Collector and develop online system for booking of sand. It is specifically stated that as per G.O. MS. No. 54 dated 28.01.2015 even de-casting of sand from patta lands is conducted by TSDMC only by entering into agreement by pattadar to avoid any middle management. The **sale price of sand is fixed by the Government**. Therefore, the entire sand mining in the State of Telangana is conducted only through

TSDMC after obtaining necessary statutory clearances like Environmental Clearance, Consent to Establish, Consent to Operate, etc., wherever required.

41. It is stated that Irrigation Department is constructing 19 check dams in the river Manair at various villages to meet the irrigation requirement and to improve the groundwater situation. The desiltation of sand in the submergence area of these check dams will enhance the capacity of the check dam and smooth flow of water which naturally increases the groundwater level in the area. After the formulation of Telangana State Sand Mining Rules, 2015, the TSMDC is fully empowered to take up the desiltation activity and exploit and extract the sand for commercial use.

42. There was an amendment to the G.O. MS. No. 3 dated 08.01.2015, wherein the Irrigation Department was permitted to extract the sand from the reservoir for their use. It is stated that the mode of desiltation and usage of sourced sand pursuant to the G.O. MS. No. 54 is totally different. In the said rules, it is provided for desiltation by the TSDMC and the sourced sand out of such desiltation undertaken as per Rule 8 shall be disposed of with preference to the Government works. Therefore, the TSMDC after giving preference to the Government work would dispose of the balance quantity of sand in the open market by fixing market price to enhance the infrastructural facility to the general public. Therefore, it was submitted that the TSMDC is carrying out the sand extraction with utmost care not to suffer the groundwater recharge.

43. The O.A. Nos. 123 of 2022 and 146 of 2022 are filed concerning the illegal sand mining at Pedapally District. The O.A. No. 51 of 2023 is filed with respect to Karim Nagar District, O.A. No. 68 of 2023 is filed with respect to illegal sand mining at Jayashankar Bhupalpally District and O.A. No.102 of 2023 is filed with respect to the illegal activity in the district of Karim Nagar, Pedapally and Jayashankar Bhupalpally without obtaining prior Environmental Clearance.

44. The major grievance of the applicants in the above applications are that the respondents authorities with an intention to overcome the burden of obtaining the Environmental Clearance for reaching the sand demand in the State and in the guise of desilting, carried on the activity of river sand mining in large scale using heavy machinery in the river. The impact of the mining in the river had not been studied which would severely affect the environment.

45. When the applications were moved for the first time in O.A. Nos. 123 of 2022, 51 of 2023 and 68 of 2023, finding that there was no valid Environmental Clearance in favour of the respondents, they were restrained from carrying on the mining and desiltation activities until further orders. Aggrieved by the said direction, the Mines and Geology Department of State of Telangana had filed a **W.P. No. 13459 of 2023** under Article 223 of the Constitution of India challenging the interim order. The Hon'ble High Court of Telangana was pleased to pass the following order:

"7. This Court having considered the rival submissions made by the Learned Special Government Pleader for the petitioner is of the considered view that the National Green Tribunal in Para No. 4 of its order dated 28.04.2023 has categorically come to a conclusion that a perusal of the District Collector's Proceedings dated 08.07.2022 would make it clear that the petitioner/respondent no. 5 therein was granted permission for commercial purpose for a period of one year and the Tribunal also observed that when the permission specifically states that it is for commercial purpose, obviously, it would attract environmental clearance as the same does not fall under the exempted category. Based upon such findings, the National Green Tribunal has restrained the petitioner from carrying on mining and desiltation activity until further orders. When the Petitioner contended that he would not be using the sand for commercial purpose and to that effect, the petitioner is also willing to file an affidavit today itself before this Court stating that they would not use it for commercial purpose, this Court is of the view that the petitioner can carry on mining and desiltation activity of sand. However, the same will not be used for commercial activity and commercial purpose. However, it is made clear that the petitioner shall not sell the sand in any form whether it is commercial or Governmental Projects through respondents nos. 9 to 14. This arrangement shall continue till first week of July, 2023."

46. The Hon'ble High Court of Telangana has specifically prohibited the authorities that the sand will not be used for commercial activity and commercial purpose and the authorities were also restrained from selling the sand in any form whether it

is commercial or governmental projects. The above said order of the Hon'ble High Court was challenged before the Hon'ble Supreme Court in **SLP No. 12072 of 2023**, wherein the order of the Hon'ble High Court was stayed. Similar writ petitions were filed before the Hon'ble High Court against the order passed by this Tribunal in O.A. No. 68 of 2023, though not challenged before the Hon'ble Supreme Court. Therefore, the order passed by this Tribunal is in force. Even though the orders of this Tribunal are in force, the respondent authorities had not taken action against the illegal sand extraction in the Manair River. In the 45 reaches, the sand mining is done using heavy machineries. The activity involved in the above reaches attracts Environmental Clearance under Schedule IA of the EIA Notification, 2006.

47. In the reply filed by the TSDMC, it is stated that the Government of Telangana has taken up construction of 22 check dams. Out of 22 check dams, 19 check dams are covered under O.A. No. 123 of 2022. Out of the 22 check dams, desiltation is carried out at 18 locations as per the requirement to store water upto the designed capacity. These check dams are at different locations spread in a distance of 97 kms along the river coast with the storage capacity of 822.22 MCFT. The counter S.O. No. 141 issued by MoEF&CC dated 15.01.2016 which permits desiltation to increase the water storage capacity of irrigation structures. As per Rule 8 (c) of Telangana State Minor Mineral Rules, 2015, the District Level Sand Committee (DLSC) headed by the District Collector after conducting joint inspection approved the desiltation on 04.01.2022.

48. The Learned Counsel appearing for the State of Telangana as well as the TSDMC mentioned that the desiltation and dredging will be done in consultation with the National Framework for Sediment Management. Therefore, all that is to be done, is to direct the project proponent to take action as per National Framework for Sediment Management. In respect of the desiltation carried out earlier, is exempted from obtaining prior Environmental Clearance. However, the National Framework for Sediment Management requires prior Environmental Clearance even for desiltation and dredging

except for regular maintenance and upkeep and disaster management.

49. A perusal of the National Framework for Sediment Management, which has gone into great detail about the composition of sediment and transport, basic principles of sediment management, issues involved in sediment management in watershed and sediment management in rivers, the effect of de-siltation in reducing floods, extraction for navigational purpose, extraction for economic uses, sediment management in reservoirs, etc., lays down detailed guidelines on sediment management, the need for de-siltation, requirement for Environmental Impact Assessment, etc.

50. The National Framework for Sediment Management reiterates that sediment issues in dams, barrages, and rivers cannot be dealt with separately and that for sustainable sediment management in rivers and reservoirs, it is necessary to adopt a scientific framework for sediment management at the national level.

51. The National Framework for Sediment Management highlights the key issues related to sediment management and recommendations for policymakers and stakeholders and appropriate actions and measures to be taken by the concerned departments and other stakeholders. The framework considers sediment as a socio-economic, environmental and geomorphological resource, as well as a tool of nature. It also highlights that changes in sediment quantity and quality can have a significant impact both in rivers and reservoirs and prove to be a resource as well as a menace in its own manner.

52. Some of the significant recommendations / guidelines of the National Framework for Sediment Management are detailed below:-

Sediment Management in rivers:

The following basic principles should be followed for sediment management of Indian rivers:-

1. Sediment management should become a part of integrated river basin management plan. Regular sediment budgeting for all basins should be done especially which are affected by heavy siltation problem.

... ..

5. There is a need to pursue the de-siltation/dredging schemes with utmost care backed by scientific study, including simulations through mathematical and/or physical model study at appropriate scales and employing consistent formulations applicable to the given site. Mathematical and/or physical model study is exempted for dredging/de-siltation carried out for navigation purpose by Inland Waterways Authority of India.

... ..
8. Sediment management action must follow best practices to minimize damage to the environment and river morphology. Restriction details for de-siltation/dredging are placed at Annexure-III.

Sediment Management in Reservoirs:

"It is possible to successfully manage reservoir sedimentation by using comprehensive sediment management strategy coupled with measures to reduce sediment yield from watershed, route sediments around or through storage, and recover the lost capacity of reservoir through de-silting. Integrated management of reservoir sedimentation is easy to manage for new reservoirs which can be integrated at planning stage itself. In the existing reservoirs, one or combination of more than one technique can be explored in a holistic way. None of single technique/measure can be 100% effective for long term sustainability of sediment management in reservoirs. Due consideration shall be given to address environmental and social safeguards during the planning stage. In addition to this, robust institutional and sound financing mechanism forms the integral part of comprehensive planning and implementation strategy for sediment management."

De-siltation of reservoirs:

"Sediment management measures to reclaim live storage, to improve operations or for environmental reasons shall be in compliance with applicable environmental requirement, unless they are necessary to preserve immediate dam safety, and prevent an uncontrolled release of reservoir water that could lead to even larger environmental damages or cause loss of life, injuries or large damages to properties in the downstream area."

De-silting plan for a given reservoir should be comprehensive. It shall be prepared based on latest bathymetry survey inputs along with representative sub profiling data of a given reservoir. The basic information shall include various methods of dredging along with their utilities and performances in accordance with different specific site conditions, proposed method with justification, estimated cost and proposed dredging volume, revenue and non-revenue models, cost benefit analysis vis-a-vis restored capacity, disposal plan of dredged material with detail of sediment stacking and processing yard, method of contract which include EPC/turnkey or work contract method with fixed time schedule, environment and social safeguards and monitoring mechanism etc. The de-silting of Manglam Dam in Kerala is a classic example of revenue model under implementation.

The following basic principles should be followed in De-silting of reservoirs:

"... .."

vi. De-siltation/dredging work shall not affect any existing structures/ facilities. De-siltation, especially in reservoirs shall be done in such a manner that it does not induce any landslides and slip circle failure in case of quick drawdown conditions. Restriction details for de-siltation/dredging are placed at Annexure-III.

... .."

53. From the above, it is very clear that for de-siltation, the requirement of prior Environmental Clearance is exempt only when such de-siltation/dredging is undertaken only for the purpose of annual/routine maintenance/ upkeep and disaster management and it has also been adequately emphasized that de-siltation and dredging are fraught with serious environmental issues and there is a need for undertaking a detailed study of the river reach proposed for de-siltation/dredging by appropriate mathematical and/or physical model studies prior to the preparation of the Detailed Project Report (DPR) and the proposal for de-siltation/dredging work shall undertake a study on the negative impact on ecology and environment due to desilting along with other studies and should be invariably made a part of DPR.

54. Learned Counsel appearing for the MoEF&CC also invited attention to Appendix-IX of the Notification dated 15.01.2016 and subsequent amendment by the Notification dated 28.03.2020, wherein the exemptions of certain cases from requirement of Environmental Clearance are mentioned, which reads as follows:

"5. Community works like desilting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Scheme, other Government sponsored schemes and community efforts

6. Dredging and Desilting of dams, reservoirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management."

55. Therefore, it is clear that if dredging of rivers, canals is done for the purposes of maintaining the canals etc., it would not require an Environmental Clearance. Whereas mining done for the purpose of earning profit and undertaken a commercial venture as it involves dredging and desilting then all the provisions of the EIA Notification, 2006 and its subsequent amendment shall apply to the said project.

56. The MoEF&CC in their counter has stated that the Ministry in exercise of power conferred by Sub-section 1, Clause v of Sub-section 2 of Section 3 of the Environment (Protection)

Act, 1986 read with Sub-rule 4 of Rule 5 of the Environment (Protection) Rules, 1986, the Central Government made further amendment in the parent Notification dated 14.09.2006 vide S.O. 3611 (E) dated 25.07.2018, wherein the procedure for preparation of District Survey Report (DSR) for sand mining or river bed mining as well as procedure for preparation of DSR for minor minerals other than sand mining or river bed mining has been mentioned.

57. The detailed procedure regarding preparation of DSR for sand mining and report of minor minerals other than sand mining is mentioned in Appendix - X of the EIA Notification.

58. The MoEF&CC further stated that the exemptions are given in Appendix-IX from obtaining the prior Environmental Clearance. The Learned Counsel also relied on S.O. 1886 (E) dated 20.04.2022, in which, the MoEF&CC had delegated the powers to SEIAA to grant Environmental Clearance to all minor minerals irrespective of the mine lease area. As seen earlier, Appendix-IX dated 28.03.2020 issued under S.O 1224 (E) is clarified in O.M dated 12.07.2023. The above OM reads as follows:

"based on the recommendations of the EAC and keeping in view the direction of the Hon'ble NGT, the matter has been examined by the Ministry in detail and it is hereby directed that the exemption from Environmental Clearance provided vide S.O 1224 (E) dated 28.03.2020 for dredging and desilting dams, reservoirs, weirs, barrages, river and canals shall be subject to environmental safeguards as issued by the Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation as enclosed to this office memorandum."

59. The National Framework of Sediment Management had issued general guidelines for carrying out the desiltation/dredging work which are as follows:-

"General Guidelines for carrying out de-siltation/dredging work:

(i) A study of the river reach may be selected for de-siltation/dredging by appropriate mathematical and/ or physical model studies by employing consistent practices. Based on the outcome, the DPR may be prepared.

(ii) Dredging for de-silting of Indian rivers may be adopted only in exceptional circumstances or when no other sustainable alternative is available. However, dredging for maintaining the necessary draft for maintaining the navigation may be done as and where required. However, it shall be ensured that such dredging does

not cause any considerable pollution to river water and not harm flora and fauna.

(iii) The de-silting of any river reach needs to be justified bringing out clearly the flooding caused due to siltation along with technical comparisons of the alternative flood mitigation measures with "do nothing" or "proposed de-silting/ dredging" being other options. It should invariably be associated with sediment flux studies and morphological studies to confirm no significant adverse effect on downstream or upstream reach of the river including the safety and effectiveness of river crossings, water intakes, existing river bank / flood protection measures, etc. Post dredging, sediment flux studies should also be carried out to quantify the amount of silt likely to be deposited in future i.e. Sediment modelling studies for the river may be done before taking up any such project.

(iv) Negative impact on ecology and environment due to de-silting may also be studied along with other studies and should be invariably made a part of DPR.

... ..

(vi) The proposal for de-siltation/ dredging work should also contain environmentally acceptable, practically possible silt disposal/ utilisation plan.

... ..

(xi) The dredging/de-siltation/mining activities thereby disturbing the river regime may result into some adverse impacts, i.e., (a) River bed degradation; (b) Bank erosion; (c) Channel widening; (d) Lowering of water surface elevations in the river channel; (e) Lowering of water table elevations adjacent to the river; (f) Reduction in the structural integrity of bridges, pipelines, jetties, barrages, weirs, foundations supporting high tension lines, existing bank protection works and other man-made structures; and (g) Loss of environmental values resulting from (a) through (e). Restrictions as presented in Annexure III need to be enforced before planning and executing any dredging/ de-silting / mining activities. These restrictions may be modified only after proper study and monitoring the effects of dredging / de-silting / mining."

60. From the above facts, it is evident that the preparation of DPR and the proposal for desiltation and dredging work shall study on the negative impact on the ecology and environment before commencing the work. Admittedly, in all these reaches, there were no DPR or environmental impact assessment undertaken and there was no prior Environmental Clearance also.

61. From the above notifications and the guidelines, it is evident that as long as desiltation activities are undertaken for maintenance and upkeep of water reservoirs, dams, weirs, canals, rivers etc., and it is not undertaken for the purpose of winning minerals, the same would not require prior Environmental Clearance under EIA Notification, 2006. However, if the dredging activities are undertaken for the purpose of winning minerals for commercial purpose, Environmental

Clearance is required under EIA Notification, 2006 and its subsequent amendments.

62. In the instant case, the applicant also produced the sand sale management and monitoring system by the Department of Industries and Commerce, Telangana State Mineral Development Corporation. The sand order details are furnished therein which clearly indicates the total number of stockyards, total numbers of orders and the sold quantity.

63. From the above, it is made very clear that the sand is excavated or extracted for the purpose of commercial use by the TSMDC. While the sand mining extraction is done without an Environmental Clearance, reference has to be made to the Disaster Management Act, 2005 also. Despite the requirement of the Environment (Protection) Act, 1986 and notification made thereunder, there is a power with the State to carry out dredging in terms of Section 33 and 34 of the Disaster Management Act, 2005. *This power can be invoked by State Authorities in order to prevent disaster when the threat is imminent. In O.A. No. 75 of 2020, this Tribunal has clearly held that:*

"(vi) Even at the time of undertaking dredging and desilting, as part of maintenance and disaster management preparedness as a long-term or short-term measure to prevent flood, then they will have to strictly follow the guidelines provided by the MoEF&CC in the sustainable guidelines provided by the MoEF&CC in the Sustainable Sand Mining Management Guidelines 2016 and Enforcement & Guidelines for sand Mining, 2020."

64. Moreover, if the dredging is done only for the purpose of earning profit and is undertaken as a commercial venture, it is mandatory for the project proponent to obtain the Environmental Clearance before they commence the work.

65. In this case, it is clearly demonstrated by the Learned Counsel for the applicant that there were sand orders and sand sold for commercial purpose from different stockyards. Therefore, it is made very clear that the dredging/desilting activity is only with the commercial motive.

66. As held earlier when the Sustainable Sand Mining Management Guidelines prohibits the in-stream mining and also provides the methodology for doing sustainable sand mining and procedure to be followed for this purpose which would include the preparation of DSR and the same can be done only after obtaining necessary Environmental Clearance. Procedures are also prescribed as to how the mining of sand and desilting of the reservoirs, barrages etc., have to be carried out.

67. In view of the above discussions, the *desilting and dredging* activity done in the above referred reaches in the River Manair for the stretch of 97 Km going through the villages referred in Para-39 cannot be permitted unless prior Environmental Clearance is obtained.

68. The contention of the Government of Telangana and Telangana State Minerals Corporation Ltd that sustainable quantity of desilted sand was earmarked for Government projects and hence Environmental Clearance is not required is also to be held as untenable. This Tribunal in O.A. No. 142 of 2022 has held in the operative part clause (viii) as follows:

"8. In spite of the orders of the National Green Tribunal holding repeatedly that Environmental Clearance is required when desilted material is used for commercial purpose, the current orders of the District Collector is in gross violation of the same for which the Chief Secretary is directed to issue orders to Collectors to follow all the rules and regulations scrupulously and strictly instruct them that desilting/dredging of water bodies/rivers/reservoirs/waterways shall not be permitted without the prior Environmental Clearance when the desilted/dredged material be it silt, sand or any other mineral is sold either to the public or for Government projects."

The order of the NGT was taken on Appeal in Civil Appeal No. 48593 of 2023, the Hon'ble Supreme Court of India has held as follows:

"Prima facie, we are of the view that at the instance of the State, challenge to clause (viii) of the operative part of the impugned judgment cannot be entertained."

69. As admittedly the dredging activities have been undertaken and the sand excavated was stored in the stockyards and sold for commercial purposes without necessary

Environmental Clearance, the entire operation is held as illegal and for the quantity of sand illegally mined, the MoEF&CC is directed to calculate the commercial rate and impose the same as penalty to be paid to Godavari River Management Board for undertaking improvements to the Godavari River watershed covering the upstream and downstream States also, along with improvements in Telangana region.

70. The Integrated Regional Office, MoEF&CC and a senior officer of the Godavari River Management Board not below the rank of Superintendent Engineer are directed to assess the Environmental damages that have been caused due to the desilting/dredging and arrive at the remediation cost to be collected from the Irrigation and the Command Area Development Department for undertaking restoration activity in the area where sand was illegally mined.

71. The Chief Secretary to Government of Telangana is to ensure that henceforth neither the Irrigation and Command Area Development Department nor the District Collectors will undertake sand mining without the required Environmental Clearance. A detailed circular is to be issued by the Chief Secretary to the Irrigation and Command Area Development Department, SEIAA and the District Collectors with a warning that any deviation will result in serious action against the concerned officers. They should also be directed to follow the guidelines issued in the National Framework for Sediment Management as well as the guidelines issued by the MoEF&CC in Sustainable Sand Management.

72. The project proponent or his contractors are restrained from carrying on the dredging or mining activity of river sand from the River Manair till such time they obtain the prior Environmental Clearance.

73. In this regard, the State has a duty as a trustee under Article 48 A of the Constitution of India to protect and improve the environment and safeguard the same. In **M.C. Mehta's** case, the principle of 'Public Trust Doctrine' with regard to the preservation was applied by the Hon'ble Supreme Court.

The Public Trust Doctrine in essence protects certain components of the natural environment from exploitation. The State is a trustee under a legal duty to protect the actual resources that are held in trust.

74. In the instant case, from the discussions made above, it is evident that the Department of Mines and Geology and the Department of Irrigation and Command Area Development have miserably failed to discharge the duties in protecting the riverine ecosystem and thereby, breached the principle of '*Public Trust Doctrine*'.

75. For the failure to uphold the principle of '*Public Trust Doctrine*', which resulted in environmental damages, the Department of Mines and Geology and the Department of Irrigation and Command Area Development are liable to pay environmental compensation.

76. In the result, the Original Applications are disposed of as follows:-

- I. In **O.A. No.123 of 2022 (SZ)**, the impugned agreement vide Ref. No. Contract Agreement No.TSMDC/Madaka-2(V)/Odela (M) Pedapalli Dist/Sand/Legal/2022 dated 11.04.2022 is to be kept in abeyance by the Telangana State Mineral Development Corporation till such time they obtain necessary Environmental Clearance.
- II. In **O.A. No.68 of 2023 (SZ)**, it is declared that the sand mining/extraction in the garb of desilting/dredging in the Manair River and Godavari River in Jayashankar Bhupalapally District is illegal.
- III. The act of dredging, sand excavating and selling it for commercial purposes (which has been agitated in Original Application Nos.123/2022, 146/2022, 51/2023, 68/2023 & 102/2023) by the Project Proponent is declared as illegal.

- IV. The Project Proponent or his contractors are restrained from carrying on the dredging or mining activities till the Telangana State Mineral Development Corporation obtains the prior Environmental Clearance.
- V. The MoEF&CC is directed to assess the royalty, market rate and environmental damages as per the dictum laid down by the Hon'ble Supreme Court in **Common Cause Vs. Union of India & Ors. (2017) 9 SCC 499**, and collect the same from the Telangana State Mineral Development Corporation payable to the Godavari River Management Board. The said exercise may be completed within a period of 3 (Three) months.
- VI. For the failure to uphold the principle of '*Public Trust Doctrine*', the Department of Mines and Geology and the Department of Irrigation & Command Area Development are directed to pay an amount of Rs.25 Crores each to Godavari River Management Board **as interim environmental compensation** within a period of 3 (Three) months.
- VII. The amount so collected should be utilized by the Godavari River Management Board for undertaking improvements to the Godavari River watershed covering the upstream and downstream States also, along with improvement in the Telangana region, besides undertaking remediation measures in areas, which have been damaged due to the dredging and desilting.
- VIII. The Chief Secretary to Government, State of Telangana is directed to issue a circular to the departments concerned and the District Collectors that sand mining should not be undertaken without prior EC and to follow the rules/guidelines in force,

including guidelines enunciated in the National Framework for Sediment Management.

77. For reporting compliance, let the matter be listed in **September 2024.**

78. In view of the above, the interlocutory applications **[I.A. Nos.11 of 2023 (SZ) & 93 of 2023 (SZ)]** are closed.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

**O.A No.123/2022(SZ) &
I.A. No.11/2023 (SZ)
O.A. No.146/2022(SZ)
O.A No.51/2023(SZ)
O.A. No.68/2023(SZ)
O.A. No.102/2022(SZ) &
I.A. No.93/2023 (SZ)
21st May, 2024. AM & Mn.**



Internet – Yes/No

All India NGT Reporter – Yes/No