

Item No.01:-

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

(Through Video Conference)

Original Application No. 56 of 2023 (SZ)

IN THE MATTER OF:

Baddam Bhaskar Reddy,
Siddipet and ors.

...Applicant(s)

Versus

Union of India,
Represented by its Secretary,
MoEF & CC, New Delhi & ors.

...Respondent(s)

Date of hearing: 04.05.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. E. Manoharan along with
Mr. S. Kamalesh Kannan & Ms. Gayathri Devi.

For Respondent(s): Mr. A. Sanjeev Kumar, Spl. G.P. along with
Mrs. Renuka Devi &
Mrs. H. Yasmeen Ali for R3, R6 to R8.

ORDER

1. This Original application is seeking an injunction against the Government of Telangana, in particular, the Irrigation Department from constructing the Gouravelli Reservoir without resettling the villagers in the affected villages and without obtaining the Environmental Clearance (EC) as per the EIA Notification, 2006.
2. Today, the applicant has also furnished certain photographs to show that the work is actively being carried on for the huge project of 8 TMC capacity reservoir.
3. Admittedly, the project proponent had obtained the EC which was permitting them to carry on the work for 1 TMC only whereas, it is not in dispute that they have commenced the work and completed atleast 80% of the work till such time the Original Application [O.A. No.180 of 2021 (SZ)] was filed before this Tribunal by yet another applicant.
4. The said Original Application was disposed of on 10.02.2022 directing the Project Proponent to make an application for a change of scope and apply for an EC and the said EC should not be an amendment to the existing EC. Further, the State of Telangana was restrained from proceeding with the project till the proceeding initiated by the MoEF&CC is completed.

5. The very same applicant has filed a Miscellaneous Application [M.A. No.04 of 2023 (SZ) in O.A. No.180 of 2021 (SZ)] complaining that the said order of this Tribunal has been disobeyed and the project proponent is continuing with its work. In the said Miscellaneous Application, the State of Telangana has filed its counter stating that what is being carried on is only the protection works such as weed removal, rectifying the rain gullies, chutes, parapet walls and revetment.
6. The applicant herein also states that despite the restrained order in O.A. No.180 of 2021 (SZ), even before obtaining the fresh EC for a change of scope, the Project Proponent has carried on the work.
7. Mr. A. Sanjeev Kumar, the learned Special Government Pleader also submitted that it is only the patchwork that is being carried on to overcome heavy rains.
8. When it is mandated that any project which requires prior EC and a fresh EC is required for a change of scope, the respondent authorities are carrying on the work, despite the fact that already this Tribunal had specifically directed them not to proceed with the work till such time they apply and obtain the fresh EC. Further, the act of the respondent authorities is utter disregard to the order of this Tribunal.
9. **Therefore, we have no hesitation to pass an order directing the respondent authorities to stop any kind of work, including the patchwork falling within the scope of the project forthwith.**

Despite this order, if there is any violation found, it will be viewed seriously by this Tribunal.

10. Let the matter be listed on **25.05.2023**. Meanwhile, it is open to the respondents to file their objections / counter.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No. 56/2023 (SZ)
04th May, 2023. Mn.

