

Item No.05 (i) to (iii):-

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

(Through Video Conference)

**Original Application No. 56 of 2023 (SZ) &
I.A. No.58 of 2023 (SZ)**

WITH

**Miscellaneous Application No.04 of 2023 (SZ) in
Original Application No. 180 of 2021 (SZ)**

WITH

Original Application No. 180 of 2021 (SZ)

IN THE MATTER OF:

Baddam Bhaskar Reddy,
Siddipet and ors.

...Applicant(s)

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

...Respondent(s)

WITH

Baddam Raji Reddy &Ors.

.... Applicant(s)

Versus

Union of India
Rep. by its Secretary,
MoEF&CC, New Delhi and Ors.

...Respondent(s)

WITH

Baddam Raji Reddy &Ors.

.... Applicant(s)

Versus

Union of India
Rep. by its Secretary,
MoEF&CC, New Delhi and Ors.

...Respondent(s)

Date of hearing: 16.12.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

O.A. No.56/2023:

For Applicant(s): Mr. S. Sai Sathya Jith.

For Respondent(s): Mr. Sai Srujan Tayi for R1.
Mr. S. Janarthanam for R2 & R5.
Mr. A. Sanjeev Kumar, Spl. G.P. along with
Mrs. H. Yasmeen Ali for R3, R6 to R8.

M.A. No.04/2023:

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mr. Sai Srujan Tayi for R1.
Mr. S. Janarthanam for R2 & R5.
Mr. A. Sanjeev Kumar, Spl. G.P. along with
Mrs. H. Yasmeen Ali for R3, R6 to R8.

O.A. No.180/2021:

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mr. Sai Srujan Tayi for R1.
Mr. A. Sanjeev Kumar, Spl. G.P. along with
Mrs. H. Yasmeen Ali for R3, R6 to R8.

ORDER

1. The report of the Ministry of Environment, Forests & Climate Change (MoEF&CC) dated 01.11.2023 is filed and recorded.

2. The report refers to the satellite images taken prior to the Tribunal's order dated 10.02.2022 and after that up to 08.06.2023, only to state that significant construction i.e. up to 70% to 80% of the Gouravelly Reservoir was completed by the Project Proponent prior to the Tribunal's Order dated 10.02.2022.
3. The Godavari River Management Board (GRMB) which is the 5th Respondent also has filed its report dated 03.10.2023, wherein it is specifically stated that there have been some physical execution of works of various components of the project between two visits. Overall about 95% of the project works have been seen completed so far. Some protection works recently executed were found essential due to the reasons stated against each work, in the interest of the safety of the structures and protecting the public from any eventualities due to structural failures and resulting higher environmental damages which may cause an increase in the construction cost, etc.
4. Comparing both the reports of the MoEF&CC and the GRMB, what was 70% to 80% of construction work prior to the order passed in O.A. No.180 of 2021 (SZ), and the subsequent work was done even without Environmental Clearance. Even in this regard, we would like to invite attention to our Order dated 04.05.2023, wherein we had directed the respondent authorities to stop any kind of work, including the patchwork falling within the scope of the project forthwith.

5. At this juncture, it would be appropriate to refer to the relevant directions given in the Original Application [O.A. No.180 of 2021 (SZ)] while disposing of the same:-

“4. If the project proponent makes an application for including the change of scope and apply for Environmental Clearance (EC), the same should not be granted by way of an amendment for existing EC and the entire process will have to be reassessed afresh as has been observed by the Hon’ble Apex Court in **Key Stone Realtors Vs. Anil V. Tharthare (2020) 2 SCC 66**.

5. Ministry of Environment, Forests and Climate Change (MoEF&CC) is also at liberty to conduct further enquiry regarding the nature of damage caused and also the cost required for restoration of damage caused to the environment and reassess the compensation to be recovered from the State of Telangana.

6. The Ministry of Environment, Forests and Climate Change (MoEF&CC) is directed to complete the process of the enquiry as early as possible at any rate within a period of four months and submit the further action taken report before this Tribunal after the expiry of four months has to be fixed by this Tribunal.”

6. To be noted is that the above said directions given to the MoEF&CC have not yet been complied with despite the timeframe of four months given therein.
7. In the report dated 01.11.2023 referred supra, the MoEF&CC has stated that the same being a partial compliance affidavit, a final compliance status report would be filed after the grant of the Environmental Clearance to the project under the violation category.

8. We are at a loss to understand as to how the MoEF&CC can even consider the application without complying with our order dated 10.02.2022 in O.A. No.180 of 2021 (SZ).
9. Therefore, without referring to any other aspects at this point of time, we direct the MoEF&CC to comply with the earlier directions given in Clause (4), (5) and (6) as referred to above before the date of next hearing.
10. Let the matter be listed on **23.01.2024**.



Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.56/2023 (SZ)
I.A. No.58/2023 (SZ) &
M.A. No.04/2023 (SZ) in
O. A. No.180/2021 (SZ) &
O. A. No.180/2021 (SZ)
16th December 2023. Mn.