

Item No.4 (i) & (ii):-

**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)**

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)

Baddam Raji Reddy & Ors.

.... Applicant(s)

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

...Respondent(s)

Date of hearing: 24.07.2023.

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. Janarthanan for R2 & R5.
Mr. A. Sanjeev Kumar, Spl. G.P. along with
Mrs. H. Yasmeen Ali and
Mrs. Renuka Devi 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. Janarthanan for R2 & R5.
Mr. A. Sanjeev Kumar, Spl. G.P. along with
Mrs. H. Yasmeen Ali and
Mrs. Renuka Devi for R3, R6 to R8.

ORDER

1. The Original Application [O.A. No.56 of 2023 (SZ)] is filed questioning the construction and expansion of the Gouravelli Reservoir and canals at Siddipet District to handle the capacity of 8.230 TMC which requires prior Environmental Clearance (*for short* 'EC') under Item 1 (c) of the EIA Notification, 2006.
2. Originally, on 04.05.2023, the matter was taken up after notice and it was brought to our knowledge that despite a restraint order in O.A. No.180 of 2021 (SZ), the Project Proponent was carrying on the work without obtaining fresh EC for change of scope in the project. Hence, the authorities were directed to stop any kind of work, including the patchwork falling within the scope of the project forthwith.

3. Once again, on 25.05.2023, the interim order already granted was extended and the Project Proponent was warned about the consequences in the event of disobedience of the order.
4. When the matter was taken up again on 17.07.2023, there was a direction to the Member Secretary – Godavari River Management Board (GRMB) and also the Additional Chief Secretary – Irrigation & CAD Department, State of Telangana to look into the issue and take appropriate action and report the same by way of filing the report of status before us.
5. When the matter was listed today, once again the applicant had complained that despite all the interim orders passed by this Tribunal, the Project Proponent was carrying on the work and produced the photographs taken on 02.07.2023 in support of his contention.
6. In the meanwhile, as interim order granted by us was disobeyed, the applicant filed an interlocutory application [I.A. No.58 of 2023 (SZ)] to punish Respondents No.3, 6, 7 & 8 therein for disobeying the order of this Tribunal dated 04.05.2023 and subsequent orders under Section 26 and 28 of the National Green Tribunal Act, 2010.
7. The complaint of the applicant is vouched by the notice issued by the GRMB dated 20.07.2023 addressed to the Special Chief Secretary – Irrigation & CAD Department, Government of Telangana.
8. In the said notice, the GRMB had referred to the S.O.2843 (E) dated

15.07.2021 on the jurisdiction of GRMB, and wherein, it is specifically stated that *“both the State Governments shall stop all the ongoing works on unapproved projects as on the date of publication of this notification until the said projects are 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 six months after the publication of this notification, full or partial operation of any of the said ongoing unapproved projects shall cease to operate”*.

9. The 3rd Respondent had also filed an affidavit dated 23.05.2023. In the said affidavit, it is stated that the Project Proponent had already completed the protection and finishing works for 85% of the completed work. Keeping in view of the coming monsoon, the protection works have been carried out so as not to cause further damage to the earthen bund.
10. The said affidavit confirms that in spite of an order of injunction granted by this Tribunal, they have carried on the work. Even if it is for protection work for the monsoon season, they could have obtained permission from the Tribunal before proceeding with the work.
11. There is yet another affidavit dated 24.07.2023 filed by the Special Chief Secretary, Irrigation & CAD Department, in which, it is stated that 85% of the project works were completed before the filing of the case in the National Green Tribunal. However, 90% of the work was completed by the time the National Green Tribunal disposed of the case i.e. O.A. No. 180 of 2021 (SZ). The Thotapally Lift Irrigation

Scheme which is the source for drawing water into the Gouravelli Reservoir project has already been commissioned and as part of testing, the trial run of pumps has been done.

12. The affidavit further states that 90% of the reservoir works are completed and water started getting accumulated due to runoff received from the catchment area of the reservoir, resulting in the rising of water levels in it. Further, the Hydro Mechanical and Hydro Electrical works of the Lift Scheme were completed and as a part of their periodical maintenance, test turns are being conducted regularly, resulting in pumping of water into the reservoir, raising the water levels in the reservoir further.

13. As per the affidavit, if 10% of the balance work is completed, the entire 1,20,000 Acres of ayacut in the command area of the reservoir can be stabilized benefiting farmers of the 13 Mandals of drought prone area.

14. However, normally a project like this requires the prior approval of the MoEF&CC as per the EIA Notification, 2006. Without obtaining the EC or amendment regarding the change in scope, the Project Proponent who is the State Government ought not to have proceeded with the same.

15. Moreover, once a specific order is passed by this Tribunal, any respondent, much less the State of Telangana, has the duty to obey it. Unfortunately, in this case, despite giving several warnings, the State of Telangana had the audacity to continue with the work and

the same is also accepted by the Special Chief Secretary – Irrigation & CAD Department, State of Telangana in their affidavit filed.

16. Going by the photographs produced by the applicant in I.A. No.58 of 2023 (SZ), it is evident that the Project Proponent has scant regard to the order of this Tribunal and proceeded with their construction which would immediately be stopped.

17. Therefore, we issue notice to Respondents No.3, 6, 7 and 8 in I.A. No.58 of 2023 (SZ).

18. We direct the 3rd Respondent who is the Special Chief Secretary – Irrigation & CAD Department, State of Telangana to file an appropriate reply before the date of the next hearing, failing which, the Respondents No.3, 6, 7 and 8 have to personally appear before this Tribunal.

19. The GRMB though has issued a stop work notice, admittedly they had not visited the site citing the monsoon rains. So, we direct the GRMB to file a detailed report after making a spot inspection and also the action taken after the stop work notice was issued to the Project Proponent.

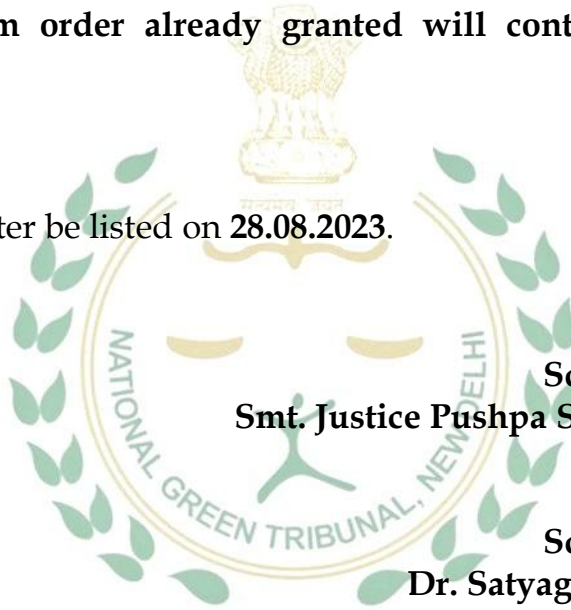
20. In view of the above, we have to express our dissatisfaction in the manner in which the MoEF&CC has responded in this case. As per Item 1 (c) of the EIA Notification, 2006, it is the MoEF&CC to grant the EC for the “B” Category Projects involving River Valley Projects on rivers falling in more than one State and shall be appraised at the

Central Government level. The Project Proponent had applied before the MoEF&CC for a change in the scope of the project. However, the MoEF&CC had forwarded the same to the SEIAA – Telangana for consideration but did not follow up.

21. Therefore, we direct the learned counsel appearing for the MoEF&CC to get appropriate instructions and file a status report as on date and regarding the action taken or to be taken in this regard.

22. The interim order already granted will continue until further orders.

23. Let the matter be listed on **28.08.2023**.



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)
24th July 2023. Mn.**

Copy to:

- 1) Special Chief Secretary
Irrigation & CAD Department, State of Telangana.
- 2) Member Secretary
Godavari River Management Board (GRMB).