

Item No.13 (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: 28.08.2023.

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. Ramachandra Rao, AAG 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. Ramachandra Rao, AAG along with
Mrs. H. Yasmeen Ali and
Mrs. Renuka Devi for R3, R6 to R8.

ORDER

1. The interlocutory application [I.A. No.58 of 2023 (SZ)] filed by the applicant is to punish Respondents No.3, 6, 7 & 8 therein for disobeying the order of this Tribunal dated 04.05.2023.
2. In the meanwhile, we have directed the Godavari River Management Board (GRMB) to inspect and file a report.
3. Pursuant to our direction, one Mr. R. Azhagesan - Member Secretary, GRMB, who is personally present before us, has filed a reply affidavit stating that he visited the place on 01.08.2023.

4. It has been specifically stated in the report that the project officials somehow ignored at the time of re-engineering various components of these projects to re-obtain/re-appraise and get an Environmental Clearance as per the EIA Notification. The Member Secretary along with his team visited the embankment, surplus weirs, sluice gates, pump house, raising main, etc. of the projects and observed that nowhere any kind of civil works of this project have been seen being executed on the date of the visit.
5. However, the report does not say whether any works on the embankment, surplus weirs, sluice gates, pump house, raising main, etc. have been undertaken after the orders passed by this Tribunal.
6. According to the report, on the date of the visit, no work was taking place. The said Mr. R. Azhagesan – Member Secretary, GRMB who was personally present, however, stated before this Tribunal that after their visit on 01.08.2023, there were several complaints that the construction was going on at the project site. In response to the same, it is also stated that they had issued a notice to the State Government of Telangana on 23.08.2023. The complaint received by the GRMB is that water is being lifted from the Godavari River, which means the project was in operation.
7. The Irrigation & CAD Department (Respondent No.3) has also filed their counter dated 23.08.2023 signed by the Special Chief Secretary – Irrigation & CAD Department, State of Telangana, wherein it has been specifically stated that the Form – I Terms of Reference was submitted to the MoEF&CC, New Delhi at the PARIVESH portal.

Subsequently, the MoEF&CC, New Delhi conducted the Expert Appraisal Committee meeting on 15.06.2022 and directed the project proponent to submit the proposal a fresh at the PARIVESH portal. Accordingly, the State of Telangana had furnished the Form - I Terms of Reference in respect of the Flood Flow Channel Project from Sri Ram Sagar Project with the expansion of Gouravelli Reservoir Project from 1.410 TMC to 8.23 TMC on 02.09.2022.

8. The report further states that the message received from the PARIVESH portal is that as per the provision of the MoEF&CC's Notification, all irrigation projects that having culturable command area more than 2000 Hectares are under 'B' Category project. Therefore, it is specifically admitted that the project is in the process of obtaining an Environmental Clearance for the expansion of Gouravelli Reservoir.
9. While so, Mr. Ramachandra Rao, the learned Additional Advocate General appearing for the State of Telangana mentioned that already 85% of the work is complete and the project authorities have carried out the protection works to safeguard the already completed work of Gouravelli Reservoir which is subsequent to the Order dated 10.02.2022 passed by this Tribunal in **Original Application No.180 of 2021 (SZ) [Baddam Raji Reddy & Ors. Vs. Union of India & Ors.]**.
10. Even otherwise, in this application also, we have granted an order of injunction that no work should be proceeded with till such time the Environmental Clearance is obtained. The statement of the learned

Additional Advocate General also confirms that not only the 85% of the work completed but they have proceeded with the protection work to safeguard the completed work after the interim order was passed by this Tribunal which amounts to contempt of the order passed by us in total disobedience of the same.

11. As the complaints are received by the GRMB, we direct the Member Secretary – GRMB once again to visit the project site (not only once but several occasions) to find out the actual truth and file a detailed report as to whether any work has been progressed between his first visit on 01.08.2023 and the next visit. Let him also describe the physical features of the project and the stage of completion to give us a better understanding. Let the report also state the follow up action pursuant to their notice issued on 23.08.2023.

12. The MoEF&CC is the authority to issue an Environmental Clearance in this case, as it involves the interstate river project. Therefore, we direct the MoEF&CC to furnish a detailed report, including the satellite images of the project site taken from the year 2022 and in particular, after the orders of this Tribunal in **Original Application No.180 of 2021 (SZ) [Baddam Raji Reddy & Ors. Vs. Union of India & Ors.]** and institution of this Original Application and the progress made by the project proponent. Let the MoEF&CC also mention about the action taken by them, as admittedly, the application for grant of Environmental Clearance is pending with them under the violation category.

13. The GRMB is also directed to install CCTV cameras at the project site until the case attains finality.

14. We once again direct the Project Proponent/State of Telangana to refrain from carrying on its work till such time they get the legal approvals and clearances from various authorities. Otherwise, the officials in charge of the project will be held responsible and answerable to this Tribunal.

15. Let the matter be listed on 04.10.2023.

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)
28th August 2023. Mn.

