

Minutes of the First Joint Meeting held on 14th October 2020 through Video Conference for coordinating the compliance on Hon'ble National Green Tribunal, New Delhi Order dated 18.09.2020 in respect of Original Application No.110/2019.

1.0 General

The Central Pollution Control Board (CPCB), Regional Directorate, Chennai vide email communication dated 22nd September 2020 informed Polavaram Project Authority (PPA), Hyderabad that Hon'ble National Green Tribunal, Principal Bench, New Delhi in the matter of OA 110/2019, vide order dated 18.09.2020, has disposed the case with directions as under to Ministry of Jal Shakti (MoJS), Central Pollution Control Board, Polavaram Project Authority, Central Water Commission (CWC), States of Telangana, Odisha, Chhattisgarh & Andhra Pradesh. A copy of Hon'ble NGT order is enclosed as ***Annexure-I***.

"We have heard learned Counsel for the parties. We are of the view that the recommendations of the Committee need to be accepted except the first suggestion of transferring the proceedings to the Hon'ble Supreme Court. The suit pending in the Hon'ble Supreme Court relates to inter-se rights of the States, which is not the scope of proceedings in these matters. Moreover, the Tribunal has no jurisdiction to transfer proceedings to the Hon'ble Supreme Court. All other recommendations are accepted and action may be taken by the Project Authority and concerned States viz. Andhra Pradesh, Chhattisgarh, Odisha and Telangana and the Central Water Commission (CWC). Since different States are involved, the Ministry of Jal Shakti and the CPCB may coordinate the compliance by holding a joint meeting with all the concerned authorities and first such meeting may be held within one month (physical or virtual as may be viable).

The applications are disposed of.

A copy of this order be sent to the Ministry of Jal Shakti, the CPCB, the States of Telangana, Odisha, Chhattisgarh and Andhra Pradesh, the CWC and the Polavaram Project Authority by e-mail for compliance"

PPA vide communication dated 23.09.2020 requested DoWR, RD & GR, Ministry of Jal Shakti, Government of India, enclosing a copy of the Hon'ble NGT Order, for necessary action on the matter. The letter with a copy of the NGT order was also endorsed to others concerned.

In response, Ministry of Jal Shakti vide letter dated 29.09.2020 (***copy enclosed as Annexure-II***), conveyed to PPA that as per Para 5 – (2), (3), (5) and (7) of the NGT order, needful actions are required to be taken by PPA, CWC and State Governments. Action with regard to Para 8 is to be taken by Government of Andhra Pradesh. Further, Para 5 (9) of the NGT order which enjoins upon various States and Depts to act jointly reads as below:

The Committee submits to Hon'ble NGT that main issue is apprehensions about the project. In order to clarify all the apprehensions about the project and to address key issues the Polavaram Project Authority (PPA), Central Water Commission, Godavari Water Dispute Tribunal & Water

Resource Department, Andhra Pradesh jointly within a period of two months may convene a meeting with upstream states namely Telangana, Odisha and Chhattisgarh. During the meeting the upstream States may clarify their apprehensions and put forth the anticipated impacts due to Polavaram project and the same may be examined by PPA & WRD, AP and to devise appropriate mitigative measures to safeguard the dam and as well as interests of upstream states."

MoJS requested CEO, PPA to convene the first meeting of all concerned strictly adhering to the timeline as specified by the NGT, in its order, and proceed in the matter. In compliance with the Hon'ble NGT order dated 18.09.2020 and as suggested by Ministry of Jal Shakti, PPA vide Email & letter dated 07.10.2020 issued notice to all concerned States/Departments scheduling a virtual meeting on 14th October 2020 (*copy enclosed as Annexure – III*).

2.0 First Joint Meeting held on 14.10.2020 in compliance with Hon'ble NGT direction dated 18.09.2020 in the matter of OA 110/2019 (PB) through Video Conference

As scheduled, PPA convened the first Joint Meeting on 14th October, 2020 through video conferencing under the chairmanship of Chief Executive Officer (CEO), Polavaram Project Authority, Hyderabad with all the concerned States/Departments as directed by Hon'ble NGT. The list of participants from the concerned States/Departments is appended as *Annexure-IV*.

CEO, PPA welcomed all the participants to the meeting followed by introduction of the participants. He briefly mentioned the purpose of the meeting. CPCB being the nodal agency in the matter of OA 110/2019 was requested to deliver a presentation. Smt. Mahima T, Sc-D from CPCB Regional Directorate, Chennai delivered a PPT during the meeting which included the directions of Hon'ble NGT. The background of OA 110/2019 (PB) is as under.

Dr. Ponguleti Sudhakara Reddy, Ex-Member of Legislative Council, from Bhadradi Kothagudem in Telangana submitted a representation to Hon'ble NGT alleging that proper safeguard measures are not taken by the State of Andhra Pradesh regarding the impacts arising from Polavaram Project. The representation was taken as suo-moto case by Hon'ble NGT and constituted a Committee comprising of MoEF & CC, CPCB (Nodal agency), Telangana Pollution Control Board and representatives from District Magistrate, Bhadradi Kothagudem. The Committee comprising of members from MoEF & CC- Regional office Chennai, CPCB-Regional Directorate, Chennai, Telangana SPCB and representatives of District Magistrate, Bhadradi was composed. The Committee could not visit the site due to COVID pandemic, hence the Committee held virtual meetings. The Committee submitted a report to Hon'ble NGT which was considered during hearing dated 18.09.2020. Based on the Committee report Hon'ble NGT disposed the case with directions to comply.

The directions of Hon'ble NGT were then taken up para-wise.

PARA – 5 (2)	
Direction of Hon'ble NGT	: The GWDT award clearly mentions that “the matter of design of the dam and its operation schedule shall be left to the CWC which they shall decide keeping in view all the agreements between the parties including the agreements of 2 nd April 1980” The committee submits that as long as, the Polavaram Project Authority and WRD, Govt. of AP abide by & are compliant with the Interstate agreement of 2 nd April, 1980 (among states of Andhra Pradesh, Madhya Pradesh and Odisha) and final GWDT (Godavari Water Dispute Tribunal) award 1980, sanction from CWC and EC from MOEFCC, further examining and studying the impacts of the project do not arise. Polavaram project is a national project and the States have already consented for the project.
Corresponding Issue	: The scope of the Polavaram Project has been revised after obtaining sanction from CWC and EC from MoEF & CC. Several changes were made without the consent of Central Government and upstream states.
Points raised during discussion	: The Engineer-in-Chief, Irrigation and CAD Dept., Govt. of Telangana State (GoTS) raised apprehensions of their State on the Backwaters and Environmental impact of the project in many areas in Telangana State, which he anticipated are coming under inundation due to the project. He stated that many areas are not covered properly in the earlier study done by CWC during erstwhile combined State of Andhra Pradesh. He requested for carrying out fresh studies for taking necessary remedial actions as otherwise this may have adverse issues during filling of the Polavaram reservoir.
Outcome of the discussion	: CWC informed that the project is being constructed in accordance with the Inter-State Agreement and provisions of GWDT Award and approvals accorded to the project. CWC further added that the backwater studies carried out by them is comprehensive in nature covering all significant impacts for which appropriate safeguards shall be taken up by WRD, GoAP.

PARA - 5 (3)	
Direction of Hon'ble NGT	<p>: Issues related to stagnation of drainage and stagnation of local streams & Kinnerasani river which may cause flash-submergence locally are anticipated to occur by State of Telangana post completion of the project if water is maintained at FRL for some days in the reservoir. But Polavaram Project Authority or WRD, Govt of AP have not examined these issues and within a period of six months, the issues may be examined and proper safeguard measures may be devised.</p>
Corresponding Issues	<p>: Bhadrachalam town is located in left bank of Godavari. If FRL is maintained in Polavaram dam for some days post completion of the project, entire drainage water of Bhadrachalam town may be stagnated and may require lifting by motors.</p> <p>Opposite to Bhadrachalam town on right side, local streams are joining Godavari, these streams are likely to be stagnated if water is maintained in the reservoir at FRL of 45.72m which may lead to some submergence locally for short periods.</p> <p>Kinnerasani river joins on right side of Bhadrachalam town which may stagnate and may lead to submergence of area on maintaining FRL in Polavaram reservoir for some days post completion of the project.</p>
Discussions held	<p>: Special Chief Secretary, Water Resources Department (WRD), Govt. of AP (GoAP) stated that the backwater studies have already been discussed by the Hon'ble Supreme Court appointed Expert Committee and studied by CWC and submitted its report to the Hon'ble Supreme Court in 2011. As per the contours, no place in Telangana is coming under submergence. He stated that contours don't shift with the shifting of State boundaries. These are technical points and not a matter of choice. Hence, WRD, GoAP has nothing further to add on this. CWC is the final authority on design issues of the project as per GWDT award and WRD, GoAP would go by their opinion on this issue.</p>

	<p>E-in-C, I & CAD Dept, GoTS stated that they are not against any aspect of the project. GoTS is only interested that the problems in Telangana area is specifically studied and proper safeguard measures are devised. CEO, PPA requested CWC to respond if any study on the cited problem has been carried out. Chief Engineer, Project Preparation Organization, CWC stated that this kind of specific study of stagnation of drainage, local streams and Kinnerasani river near Bhadrachalam as referred by GoTS has not been carried out so far, which can be studied by WRD, GoAP.</p> <p>Special CS, WRD, GoAP stated that GoAP can carry out the study, but being a national project, it should better be under the guidance of CWC and PPA. He opined that it would be better if CWC carries out the study with the assistance of States, as any CWC study report would bring in neutrality and carry more weight.</p> <p>SEE, CPCB expressed fears that as this matter has been raised by GoTS, any study done unilaterally by WRD, GoAP may not be easily acceptable to I&CAD Dept, GoTS.</p>
Decision taken	<p>It is suggested that WRD, GoAP and I & CAD Dept., GoTS shall assist CWC in conduct of the study. The time line stipulated by Hon'ble NGT has to be strictly adhered to by WRD, GoAP for which I&CAD Dept, GoTS and WRD, GoAP have to timely furnish the requisite data/inputs to CWC for the study and facilitate visits as required.</p>
Actions required	<p>WRD, GoAP shall immediately address CWC and coordinate conduct of the study.</p> <p>I & CAD Dept., GoTS and WRD, GoAP shall furnish all requisite details required to conduct study to CWC latest by 15th November 2020.</p> <p>WRD, GoAP shall render all assistance to CWC in conduct of the study. The expenditure towards this design consultancy study by CWC shall be borne by WRD, GoAP.</p> <p>CWC shall carry out the study and furnish report latest by February 28, 2021.</p>

PARA - 5 (4)	
Direction of Hon'ble NGT	: Since CWC has clarified that design capacity of dam for 50 lakh cusecs is done from the safety point of view and using 36 lakh cusecs flood for backwater studies does not violate the provisions of the award. So the backwater studies carried out by Polavaram project Authority in upstream states for 36 lakh cusecs may be considered as adequate and further backwater studies at this point may not be envisaged since the project is nearing completion.
Corresponding Issue	: Increase in maximum flood discharge from 36 Lakhs Cusecs to 50 Lakh Cusecs
Discussions held	<p>: E-in-C, I & CAD Dept., GoTS raised the issue that backwater studies may be done for probable maximum flood (PMF) of 50 lakh cusecs.</p> <p>CWC clarified that as per the Rashtriya Barh Ayog (RBA) 1980, the backwater studies are carried out for recommended floods of 1 in 100 years return period flood for protection of urban areas and 1 in 25 years return period for rural areas. The spillway of Polavaram Project is designed for a flood discharging capacity of 36.0 Lakh Cusecs in accordance with the provisions of the Interstate Agreement Dt. 02.04.1980 and GWDT Award 1980, which is already on the higher side i.e. corresponding to 1 in 500 year return period flood. CWC clarified that backwater studies are never done for PMF. As per Codal provisions of Bureau of Indian Standards, the structural safety of the spillway has been checked for the PMF.</p> <p>Special CS, WRD, GoAP stated that Hon'ble NGT has closed the issue of backwater studies and there is no need to deliberate in this meeting.</p> <p>CEO, PPA also stated that Hon'ble NGT Order has accepted this recommendation of the four-member Committee. No action is to be taken.</p>

	<p>CPCB informed that I & CAD Dept., GoTS has independently carried out backwater study through IIT Hyderabad. It was decided that I & CAD Dept., GoTS may furnish the said report of IIT Hyderabad (both soft and hard copy) latest by 15th November to CWC under intimation to PPA and WRD, GoAP for examination, as CWC is the final authority on design aspects of the project as per provisions of GWDT Award. CWC shall examine and convey comments latest by 15th January 2021.</p>
PARA - 5 (5)	
Direction of Hon'ble NGT	<p>The Polavaram project Authority cum WRD, Govt of A.P may take complete responsibility for any adverse impacts solely arising out of the project in future days. The Authority may pursue with the states of Telangana, Chhattisgarh and Odisha on the anticipated impacts in their respective states, examine the issues and take proper remedial actions & safeguard measures to mitigate the impacts that are likely to arise.</p>
Corresponding Issue	<p>Apprehension about the project that more than 100 villages and important heritage sites of religious significance and heavy water plant etc which will face severe submergence in Telangana due to all effects including backwaters of the Polavaram project</p>
Discussions held	<p>Special Chief Secretary, WRD, GoAP stated that as of today we cannot do anything as the project is still under construction, R & R works are under way and the remedial measures are still to be taken up. He added that at any point of time, not only with this dam but any other dam, any impact on the areas, submergence etc. is taken care by the respective States. If anything happens solely arising out of the Polavaram project in future days, WRD and PPA would certainly address. Presently, we are going based on the studies, contours, areas given by CWC, R&R activities etc.</p> <p>Public hearing was conducted by APPCB in 2005 before according EC by MoEF & CC. Despite several requests, the States of Odisha and Chhattisgarh are not carrying out public hearing for protective embankments, leading to delays in carrying out remedial measures. He</p>

	<p>stated that in principle, we have no objection on this issue and proper remedial actions & safeguard measures would be taken to mitigate the impacts that may arise once dam is completed.</p> <p>It was clarified by CWC that the water levels estimated in the backwater studies carried out by CWC at various locations clearly indicates that due to Polavaram Project there will not be any additional danger of submergence to Bhadrachalam town/temple.</p> <p>Chief Engineer, WRD, Government of Chhattisgarh stated vide their letter dated 14th February 2020 addressed to Secretary, Government of India, they have requested certain information which is still awaited. On receipt of the sought information, Govt. of Chhattisgarh will offer their views. CEO, PPA requested Chief Engineer, WRD, Govt of Chhattisgarh to provide a copy of the letter to PPA to follow-up with concerned as required.</p> <p>No observation from the participant from Odisha.</p>
Outcome of the discussions	: WRD, GoAP and PPA in principle agree to address any adverse impacts solely arising out of the project in future days. State Governments of Odisha and Chhattisgarh have to cooperate by carrying out public hearing in their States for protective embankments and inform WRD, GoAP.
PARA - 5 (6)	
Direction of Hon'ble NGT	The Polavaram irrigation project is envisaged to feed irrigation water to an sanctioned ayacut of 7.2 lakh acres and there is no increase in the ayacut to 15 lakh acres as alleged in the complaint
Corresponding Issue	Increase in the irrigation potential from 7.2 lakhs acres to 15 lakh acres which requires increased storage of water in the reservoir which will result in more submergence
Discussions held	It was stated by CPCB that the ayacut of Pattiseema, Purshothapatnam and Chinatalapudi lift irrigation projects cannot be merged with the ayacut of Polavaram project and hence the combined ayacut of all these

	<p>projects should not be mistaken as the ayacut of Polavaram project. As on date the ayacut of Polavaram project is 7.2 lakh acres.</p> <p>Hon'ble NGT Order has accepted this recommendation of the four-member Committee. No action is to be taken.</p>
PARA - 5 (7)	
Direction of Hon'ble NGT	<p>As per the interstate agreement on 02.04.1980 and final GWDT award the states of Odisha & Chhattisgarh have to give their consent and exercise either one of the option for construction of protective embankment or rehabilitation of affected people. Though the Polavaram project is nearing completion and it is assessed that 6316 persons in Odisha and 11766 persons in Chhattisgarh will be affected but either rehabilitation plan or construction of protective embankments is only proposed and actual work is not yet undertaken by project authority since the states of Odisha & Chhattisgarh are yet to give their consent for either one of the options. State of A.P may pursue with the state of Odisha and Chhattisgarh and obtain their consent for either one of the options. Polavaram project Authority, GWDT and CWC may also look into the issue and assist the states in choosing the most beneficial & safest option among the two.</p>
Corresponding Issue	To conduct public hearing in the affected districts of Telangana as per Environment Protection act.
Discussions held	<p>Special CS, WRD, GoAP stated that public hearing has been held in the areas of Telangana and Andhra Pradesh wherein people have been explained the various aspects of the project. MoEF & CC has accorded Environmental clearance. Similarly, for construction of protective embankments in the States of Odisha and Chhattisgarh, Special Chief Secretary, WRD, GoAP stated that the States of Odisha & Chhattisgarh have been repeatedly requested by GoAP for holding early public hearing for further action by Andhra Pradesh. But till date, public hearing has not been held. After the receipt of the NGT order, GoAP has</p>

	<p>again written to both the States. But both the States are yet to give their consent for either one of the options.</p> <p>Chief Engineer, WRD, Govt. of Chhattisgarh stated that they will offer their comments after receiving the reply for letter dated 14.02.2020 submitted to Secretary, Government of India.</p> <p>No observation from the participant from Odisha.</p>
Decision taken	States of Chhattisgarh and Odisha shall immediately conduct public hearing for protective embankments and give their consent to exercise either one of the options to WRD, GoAP.
PARA - 5 (8)	
Direction of Hon'ble NGT	<p>As per information furnished by R & R Commissioner, the total no. of villages affected by project only in Andhra Pradesh (including the seven Mandals of Telangana transferred to A.P) is 371 villages in two districts of West Godavari and East Godavari. The rehabilitation of project affected people as per Land Acquisition, Rehabilitation & Resettlement Act 2013 in West Godavari district is under progress while in East Godavari district socio economic survey and the eligibility list of project affected families is yet to be prepared. The committee submits that the WRD and R & R Commissioner shall expedite the matter and the project affected families in AP may rehabilitated as per LARR Act, 2013 within a period of six months.</p>
Discussions held	<p>CEO, PPA opined that the LA & R&R activities are handled by WRD, GoAP and may respond on the needful actions.</p> <p>Special Chief Secretary, GoAP explained that both LA & R&R activities are in progress. To implement the order of Hon'ble NGT, massive financial resources are required to complete within a period of six months. The R & R activities in West Godavari and East Godavari districts are under way in phases. We are geared up for the activities. For disbursing land acquisition, benefits to PDFs and construction of R&R colonies, huge financial resources are required for the project.</p>

	<p>SEE, CPCB enquired about status of socio-economic survey in East Godavari district of Polavaram project. She urged Spl Commissioner (R&R), WRD, GoAP office to expedite certain information which CPCB had sought on R&R activities.</p> <p>Joint Director, O/o Special Commissioner (R&R), WRD, GoAP informed that socio-economic survey in East Godavari District is going on in a phased manner. At present, survey up to EL 41.15 meters has been completed and the survey up to EL 45.12 m would be completed within a month.</p> <p>Special Chief Secretary said that the R & R activities are planned level-wise. WRD would try to complete the R & R activities subject to availability of funds, within 6 months as per NGT order though the time period of 6 months is very less. He stated that depending on the progress, if required, GoAP would seek more time from Hon'ble NGT.</p>
Decision taken	Special Commissioner (R&R), WRD, GoAP shall expedite carrying out socio-economic survey and preparation of eligibility list and complete as planned.
PARA - 5 (9)	
Direction of Hon'ble NGT	<p>The Committee submits to Hon'ble NGT that main issue is apprehensions about the project. In order to clarify all the apprehensions about the project and to address key issues the Polavaram Project Authority (PPA), Central Water commission, Godavari Water Dispute Tribunal & Water Resource Department, Andhra Pradesh jointly within a period of two months may convene a meeting with upstream states namely Telangana, Odisha and Chhattisgarh. During the meeting the upstream States may clarify their apprehensions and put forth the anticipated impacts due to Polavaram project and the same may be examined by PPA & WRD, AP and to devise appropriate mitigative measures to safeguard the dam and as well as interests of upstream states.</p>

Discussions	<p>The meeting was convened with an objective to clear the apprehensions about the project. Participation from the State of Odisha would have helped to address their issues.</p> <p>CPCB during the meeting, mailed to PPA the four-member Committee Report submitted to Hon'ble NGT, for sharing with the States, MoJS and CWC which is enclosed herewith as <i>Annexure –V</i>.</p>
Decision taken	<p>The States and other Organisations/Departments shall take timely action as per the decisions taken during this meeting. PPA on behalf of MoJS and the CPCB shall hold further meetings with all the concerned States/Organisations/Departments to coordinate the compliance of the NGT Order.</p>

The meeting ended with thanks to the Chair.

No. 3/70/2019/PPA/2039-2061

भारत सरकार / Government of India

जल शक्ति मंत्रालय / Ministry of Jal Shakti

जल संसाधन, आर डी & जी आर विभाग / Department of Water Resources, RD & GR

पोलावरम परियोजना प्राधिकरण / Polavaram Project Authority

Tele No: 040 – 29700903

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polavaram.auth@gov.in

11-4-648, AC Guards,
Krishna Godavari Bhavan,
Hyderabad – 500 004.

दिनांक: 07.10.2020

MEETING NOTICE

In pursuance of Hon'ble National Green Tribunal, New Delhi Order dated 18.09.2020 (copy enclosed) in r/o Original Application No.110/2019 and as directed by DoWR, RD & GR, Ministry of Jal Shakti, New Delhi vide communication dated: 29.09.2020 (copy enclosed) a Joint Meeting is proposed to be held on **14th October, 2020 (Wednesday) at 11.00 AM** through video conferencing under the Chairmanship of Chief Executive Officer, Polavaram Project Authority (PPA) with all the concerned Authorities to deliberate on the actions to be taken on the order of Hon'ble National Green Tribunal. It is requested to kindly make it convenient to attend the meeting positively.

In this context, it is requested to furnish the inputs/views/information, if any, including Power Point Presentation (PPT) on or before **13.10.2020**.

The link (Cisco Webex) to join the meeting will be communicated separately on **13.10.2020**.

Encl: 1) NGT Order dated 18.09.2020.

2) MoJS letter dated 29.09.2020.

(डी. रंगा रेड्डी / D. Ranga Reddy)

सदस्य सचिव / Member Secretary

To

1. Special Chief Secretary, WRD, Govt. of AP, Velagapudi, Guntur District.
2. Principal Secretary, Irrigation & CAD, Hyderabad, Govt. of Telangana.
3. Principal Secretary, Department of Water Resources, Govt. of Odisha
4. Principal Secretary, Public Health Engineering Department, Water Resources Department, Govt. of Chhattisgarh.
5. Special Commissioner (R&R), WRD, Govt. of AP.
6. Economic Advisor, Ministry of Tribal Affairs, New Delhi.
7. Chief Engineer, PPO, CWC, New Delhi.
8. Chief Engineer, NW&S, CWC, New Delhi.
9. Chief Engineer, HSO, CWC, New Delhi.
10. Chief Engineer, Polavaram Irrigation Project, Govt. of AP.
11. Member Secretary, Telangana State Pollution Control Board, Govt. of Telangana.
12. Member Secretary, AP State Pollution Control Board, Govt. of AP.
13. Member Secretary, Chhattisgarh Environment Conservations Board, Govt. of Chhattisgarh.
14. Member Secretary, State Pollution Control Board, Govt. of Odisha.
15. Director (IA-1), Ministry of EF & CC, New Delhi.
16. Regional Director, Central Pollution Control Board, Bengaluru.

(P.T.O)

Copy for information to:

1. Secretary (DoWR, RD&GR), Ministry of Jal Shakti, New Delhi.
2. Secretary, Ministry of EF&CC, New Delhi.
3. Secretary, Ministry of Tribal Affairs, New Delhi.
4. Chairman, CWC, New Delhi.
5. Member (WP&P), CWC, New Delhi
6. Member (D&R), CWC, New Delhi
7. Commissioner (SPR), DoWR, RD&GR, MoJS, New Delhi.

**Most Immediate
Court Order**

Government of India
Ministry of Jal Shakti
Dept. of Water Resources, RD & GR
(SCR Wing)

Room No. 438, B Wing,
Krishi Bhawan, New Delhi
Dated: 29 Sept, 2020

Subject: NGT Order dated 18.09.2020 in r/o OA No. 110/2019

Reference is invited to NGT Order dated 18.09.2020 (*Copy enclosed*) regarding submergence due to Polavaram project wherein while accepting the recommendations (except first one) of the Committee constituted by it, it ordered as below:

'We have heard learned Counsel for the parties. We are of the view that the recommendations of the Committee need to be accepted except the first suggestion of transferring the proceedings to the Hon'ble Supreme Court. The suit pending in the Hon'ble Supreme Court relates to inter-se rights of the States, which is not the scope of proceedings in these matters. Moreover, the Tribunal has no jurisdiction to transfer proceedings to the Hon'ble Supreme Court. All other recommendations are accepted and action may be taken by the Project Authority and concerned States viz. Andhra Pradesh, Chhattisgarh, Odisha and Telangana and the Central Water Commission (CWC). Since different States are involved, the Ministry of Jal Shakti and the CPCB may coordinate the compliance by holding a joint meeting with all the concerned authorities and first such meeting may be held within one month (physical or virtual as may be viable).

The applications are disposed of.'

2. As per Para 5- (2),(3),(5) & (7) of the NGT Order, needful actions are required to be taken by PPA, CWC and State Govts. PPA/CWC has already been requested by the Deptt in this regard vide its letter dated 25.09.2020. Action with regard to Para 8 is to be taken by Govt of Andhra Pradesh.

3. Further, Para 5 (9) of this Order which enjoins upon various States and Deptts to act jointly reads as below:

The Committee submits to Hon'ble NGT that main issue is apprehensions about the project. In order to clarify all the apprehensions about the project and to address key issues the Polavaram Project Authority (PPA), Central Water Commission, Godavari Water Dispute Tribunal & Water Resource Department, Andhra Pradesh jointly within a period of two months may convene a meeting with upstream states namely Telangana, Odisha and Chhattisgarh. During the meeting the upstream States may clarify their apprehensions and put forth the anticipated impacts due to Polavaram project and the same may be examined by PPA & WRD, AP and to devise appropriate mitigative measures to safeguard the dam and as well as interests of upstream states."

3. Keeping Para 1 & 2 above in view, I am directed to request the Chief Executive Officer, Polavaram Project Authority, Hyderabad to convene first meeting of all concerned strictly adhering to the timeline as specified by the NGT in its Order, and proceed in the matter.

Depending upon the course of discussion in first meeting, more meetings in this regard may be held to comply with the Order. The Deptt may be kept informed by the actions taken in the matter at every stage.

This issues with the approval of Secretary, Deptt of WR, RD & GR, MoJS.

Encl: As above.

(Anup Kumar Srivastava)
Sr Jt Commissioner-I (SPR)
sjcspr1-mowr@nic.in
Tel: 011-23385186

To,
Chief Executive Officer,
Polavaram Project Authority
Hyderabad

Copy for necessary action along with copy of the Order to*:

1. Secretary, MoEF & CC
2. Chairman, CWC
3. Spl Chief Secretary, Govt of AP
4. Principal Secretary, Govt of Odisha
5. Principal Secretary, Govt of Telangana
6. Principal Secretary, Govt of Chhattisgarh

*In line with NGT Order, it is requested to ensure representation at appropriate level in the meeting (s) convened by the CEO, PPA in the subject matter for compliance of the same. Member Secretary, PPA may be reached at no. 040-29700904 and at email address: polavaram-auth@gov.in; or polavaram.authority@gmail.com

Copy for information to:

1. PS to Secretary, DoWR, RD & GR
2. PS to Addl Secretary, DoWR, RD & GR

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 110/2019

(With report dated 08.09.2019)

Dr. Ponguleti Sudhakara Reddy

Applicant(s)

Versus

State of Telangana

Respondent(s)

Date of hearing: 18.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Sravan Kumar, Advocate

Respondent(s): Mr. Anuj Sharma, Advocate for CPCB

ORDER

1. The issue for consideration is submergence of certain areas in Telangana, Odisha and Chattisgarh on account of Polavaram Project for lift irrigation scheme in the State of Telangana.

2. The matter was earlier considered and a four member Joint Committee was constituted comprising Central Pollution Control Board (CPCB), the Telangana State Pollution Control Board (TSPCB) the Ministry of Environment, Forest & Climate Change (MoEF&CC) and the District Collector, Khammam. The Committee has given its report dated

08.09.2020 with reference to the concerns in the application which were noted to be as follows:-

"1. Submergence and effect on people is going to increase from 286 habitations to 371 habitations and 44,000 families to 1.05 lakhs families respectively. Project displace persons are about 60-70% are from backward tribes such as Koya, Kondreddy etc but there is no plan for their rehabilitation.

2. Displacement of people in Telangana, Odisha and Chhattisgarh are not considered by Central Government and Andhra Pradesh.

3. The irrigation potential is increased from 7.2 lakhs acres to 15 lakh acres which requires increased storage of water in the reservoir which will result in more submergence.

4. Though Polavaram project is a national scheme, several changes were made without the consent of Central Government and upstream states. Hence this cause submergence and displacement of people in Telangana, Odisha and Chhattisgarh more particularly on Seetaramaswami temple, Bhadradi Kothagudem district."

3. The Committee further focused on the following aspects:

"1. To verify whether Polavaram project Authority have increased the maximum flood discharge from 36 lakhs cusecs to 50lakhs cusecs and relevant studies carried out and parameters considered for the study.

2. To verify whether the irrigation potential is increased from 7.2 lakhs acres to 15 lakh acres which requires increased storage of water in the reservoir which will result in more submergence

3. To obtain data on the Total no. of Project affected villages cum habitations cum families."

4. The Committee considered all aspects and has given its report with reference to the nine issues framed by it as follows:

"Issue 1: The scope of the Polavaram Project has been revised after obtaining sanction from CWC and EC from MoEF & CC. Several changes were made without the consent of Central Government and upstream states.

Issue 2: Increase in maximum flood discharge from 36 Lakhs Cusecs to 50 Lakh Cusecs.

Issue 3: Displacement of people in Telangana, Odisha and Chhattisgarh are not considered by Central Government and Andhra Pradesh

Issue 4: Increase in the Irrigation potential from 7.2 lakhs acres to 15 lakh acres which requires increased storage of water in the reservoir which will result in more submergence

Issue 5: Bhadrachalam town is located in left bank of Godavari. If FRL is maintained in Polavaram dam for some days post completion of the project, entire drainage water of Bhadrachalam town may be stagnated and may require lifting by motors.

Issue 6: Opposite to Bhadrachalam town on right side, local streams are joining Godavari, these streams are likely to be stagnated if water is maintained in the reservoir at FRL of 45.72m which may lead to some submergence locally for short periods.

Issue 7: Kinnerasani river joins on right side of Bhadrachalam town which may stagnate and may lead to submergence of area on maintaining FRL in Polavaram reservoir for some days post completion of the project.

Issue 8: More than 100 villages and important heritage sites of religious significance and heavy water plant etc which will face severe submergence in Telangana due to all effects including backwaters of the Polavaram project.

Issue 9: To conduct public hearing in the affected districts of Telangana as per Environment Protection act."

5. The conclusions of the Committee are as follows:

"

1. The Committee submits to Hon'ble NGT that similar matter OS 4/2006 on impacts on upstream states and backwater studies and OS 1 of 2019 in the matter of concerns of the State of Telangana is sub-judice & pending in Hon'ble Supreme Court. In view of the above, the committee humbly submits to Hon'ble NGT to kindly take a decision on transferring the case to Hon'ble Supreme Court pl.
2. The GWDT award clearly mentions that the matter of design of the dam and its operation schedule shall be left to the CWC which they shall decide keeping in view all the agreements between the parties including the agreements of 2nd April 1980" The committee submits that as long as, the

Polavaram project Authority and WRD, Govt. of AP abide by & are compliant with the Interstate agreement of 2nd April, 1980 (among states of Andhra Pradesh, Madhya Pradesh and Odisha) and final GWDT (Godavari Water Dispute Tribunal) award 1980, sanction from CWC and EC from MOEFCC, further examining and studying the impacts of the project do not arise. Polavaram project is a national project and the States have already consented for the project.

3. *Issues related to stagnation of drainage and stagnation of local streams & Kinnerasani river which may cause flash-submergence locally are anticipated to occur by State of Telangana post completion of the project if water is maintained at FRL for some days in the reservoir. But Polavaram Project Authority or WRD, Govt of AP have not examined these issues and within a period of six months, the issues may be examined and proper safeguard measures may be devised.*
4. *Since CWC has clarified that design capacity of dam for 50 lakh cusecs is done from the safety point of view and using 36 lakh cusecs flood for backwater studies does not violate the provisions of the award. So, the backwater studies carried out by Polavaram project Authority in upstream states for 36 lakh cusecs may be considered as adequate and further backwater studies at this point may not be envisaged since the project is nearing completion.*
5. *The Polavaram project Authority cum WRD, Govt of A.P may take complete responsibility for any adverse impacts solely arising out of the project in future days. The Authority may pursue with the states of Telangana, Chhattisgarh and Odisha on the anticipated impacts in their respective states, examine the issues and take proper remedial actions & safeguard measures to mitigate the impacts that are likely to arise.*
6. *The Polavaram irrigation project is envisaged to feed irrigation water to an sanctioned ayacut of 7.2 lakh acres and there is no increase in the ayacut to 15 lakh acres as alleged in the complaint.*
7. *As per the interstate agreement on 02.04.1980 and final GWDT award the states of Odisha & Chhattisgarh have to give their consent and exercise either one of the options for construction of protective embankment or rehabilitation of affected people. Though the Polavaram project is nearing completion and it is assessed that **6316 persons in Odisha and 11766 persons in Chhattisgarh will be affected but either rehabilitation plan or construction of protective embankments is only proposed and***

actual work is not yet undertaken by project authority since the states of Odisha & Chhattisgarh are yet to give their consent for either one of the options. State of A.P may pursue with the state of Odisha and Chhattisgarh and obtain their consent for either one of the options. Polavaram project Authority, GWDT and CWC may also look into the issue and assist the states in choosing the most beneficial & safest option among the two.

8. **As per information furnished by R & R Commissioner, the total no. of villages affected by project only in Andhra Pradesh (including the seven mandals of Telangana transferred to A.P) is 371 villages in two districts of West Godavari and East Godavari. The rehabilitation of project affected people as per Land Acquisition, Rehabilitation & Resettlement Act 2013 in West Godavari district is under progress while in East Godavari district socio economic survey and the eligibility list of project affected families is yet to be prepared. The committee submits that the WRD and R & R Commissioner shall expedite the matter and the project affected families in AP may rehabilitated as per LARR Act, 2013 within a period of six months.**
9. **The Committee submits to Hon'ble NGT that main issue is apprehensions about the project. In order to clarify all the apprehensions about the project and to address key issues the Polavaram Project Authority (PPA), Central Water commission, Godavari Water Dispute Tribunal & Water Resource Department, Andhra Pradesh jointly within a period of two months may convene a meeting with upstream states namely Telangana, Odisha and Chhattisgarh. During the meeting the upstream States may clarify their apprehensions and put forth the anticipated impacts due to Polavaram project and the same may be examined by PPA & WRD, AP and to devise appropriate mitigative measures to safeguard the dam and as well as interests of upstream states."**

6. We have heard learned Counsel for the parties. We are of the view that the recommendations of the Committee need to be accepted except the first suggestion of transferring the proceedings to the Hon'ble Supreme Court. The suit pending in the Hon'ble Supreme Court relates to *inter-se* rights of the States, which is not the scope of proceedings in these matters. Moreover, the Tribunal has no jurisdiction to transfer proceedings to the Hon'ble Supreme Court. All other recommendations

are accepted and action may be taken by the Project Authority and concerned States viz. Andhra Pradesh, Chattisgarh, Odisha and Telangana and the Central Water Commission (CWC). Since different States are involved, the Ministry of Jal Shakti and the CPCB may coordinate the compliance by holding a joint meeting with all the concerned authorities and first such meeting may be held within one month (physical or virtual as may be viable).

The applications are disposed of.

A copy of this order be sent to the Ministry of Jal Shakti, the CPCB, the States of Telangana, Odisha, Chhattisgarh and Andhra Pradesh, the CWC and the Polavaram Project Authority by e-mail for compliance.


Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 18, 2020
Original Application No. 110/2019
SN

Dy. Leader - I C.L.P.
Ex-Secretary - A.I.C.C.



स्वास्थ्यमेव जयते

To
Secretary
Union Ministry of Tribal Affairs
Shastri Bhavan, New Delhi

IN CHARGE
 Mr. J. H. [illegible]
 Mr. [illegible]
 Mr. [illegible]
 Mr. [illegible]
 Mr. [illegible]
 Mr. [illegible]

Sir

The State of Andhra Pradesh has taken up erection of Radial Gates and proposed to store water from June, 2018. As per the Statements of Chief Minister of Andhra Pradesh, Polavaram Project will be completed by December, 2019.

You might be aware that Bhadrachalam Temple was a Historical Temple which is called as Dakshina Ayodhya. This temple besides entire Bhadrachalam town submerged during 1986 floods. Besides that frequent flooding takes place regularly during monsoon.

The recent C&AG report and the assessment/announcement of Andhra Pradesh indicates that proper studies were not done. It was stated in the reports that submergence and affect on people is going to increase from 285 habitations to 371 habitations and 44,000 families to 1.05 lakhs families respectively. Project displace persons are about 60-70 % are from backward tribes such as Koya, Kondreddy etc. This is only in Andhra. Displacement of people in Telangana, Odisha and Chhattisgarh are not considered by Central government and Andhra Pradesh. As per the announcement of Andhra Pradesh, the irrigation potential is also increased from 7.2 lakh acres to 15 lakhs acres. This requires increased storage of water in the reservoir and will result more submergence.

Though the Polavaram Project main dam is not completed, the canals of Polavaram project are already drawing water from Pattiseema Lift Irrigation Scheme and Purushothapatnam Lift Irrigation Scheme. Pattiseema Lift Irrigation scheme has been pumping more than 100 TMC of water every year from 2017 (this project pumped 6 TMC in 2015 and 55 TMC in 2016 also). Purushothapatnam Lift also started functioning from 2018 and about 13 TMC pumped this year. All this water came into utilization without causing submergence in upstream. These developments/change in scope needs to be consider to reduce submergence of villages, agriculture land, forest, affect on environment and reducing huge R&R expenditure i.e. Rs. 33,000 Crores proposed by Andhra Pradesh.

Though the Polavaram Project is a National Project, several changes were made without the consent of Central government and upstream States.

Since the State of Andhra Pradesh has been focusing only on their interests and insensitive towards upstream states such as Telangana, Odisha and Chhattisgarh more particularly Bhadrachalam Seetaramaswami Temple, Bhadrachali district; I, being a public representative and native of Bhadrachali Kothagudem district, request for your kind indulgence to maintain balance.

In this connection, I request you to direct comprehensive study by independent experts on the present changes, adverse affect on upstream and proposals to reduce/safeguard upstream States more particularly Bhadrachalam Seetaramaswami Temple and Tribals of Bhadradri Kothagudem district, Heavy water Plant, Singareni Collieries in Telangana

I am attaching the C&AG report and news reports regarding floods, completion of various Major lift irrigation schemes by Andhra Pradesh.

With best regards

Yours Sincerely

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