

**BRIEF NOTE ON NGT CASE FILED BY SRI B.HARSHAVARDHAN REDDY
ON PRLI SCHEME**

The Government have accorded administrative approval to the Palamuru-Rangareddy Lift Irrigation Scheme to irrigation potential for 10 lakhs acres (12.30 lakh acres under consideration) in Nagarkurnool, Mahabubnagar, Vikarabad, Rangareddy and Nalgonda Districts vide G.O.Ms.No.105, Dt.10.06.2015.

Works upto Udandapur Reservoir for 18 Packages are in progress. Meanwhile, Sri B.Harshavardhan Reddy (applicant) have approached the Hon'ble NGT (SZ), Chennai against PRLIS vide application No.273/2016. That the project works are carried out in violation of acts of MoEF & CC. The NGT on 13.12.2016 granted stay on PRLIS upto 17.01.2017. The Government have approached Hon'ble High Court and got the stay vacated on the grounds that the stay is imposed ex-parte and the PRLIS is not a river valley project which does not obstruct the flow of river and lifts the water from foreshore of Srisailem Reservoir. As per directions of the NGT (SZ), the Chief Engineer, PRLIS filed an affidavit on 17.02.2017 that the Government would be implementing the project with regard to the supply of drinking water only and not for irrigation. After hearing the NGT (SZ) passed the order ***"to proceed the project work with regard to the supply of drinking water without irrigation component. The irrigation shall be proceeded with duly obtaining with EC"***.

The applicant filed M.A.No.40 of 2017 in O.A.No.273 of 2016 Dt.10.03.2017 that it is not possible to divide and implement the project into two separate Drinking and Irrigation parts. The Government have contended that they will not implement irrigation component at present without obtaining EC. The Tribunal has ordered *"to appoint a Committee consisting of,*

- i) A senior officer nominated by MoEF &CC)*
- ii) A senior officer from CWC*
- iii) Professor Mr.A.R.Yusuff, Farmer Expert member "*

The Government of Telangana vide WP MP No.22251 in WP No.18236 of 2017 has submitted petition in Hon'ble High Court of Judicature at Hyderabad against the above order that a single member of the Tribunal lacks jurisdiction to pass any order either in an application or in an appeal, as the quorum required to constitute a bench of tribunal is two members consisting of a judicial member and expert member.

The Hon'ble High Court observed that the order passed by a single member lacks jurisdiction to pass the impugned without presence of another member (expert) member on the bench and granted interim stay on the impugned order of the Hon'ble Tribunal.

The petitioner has filed miscellaneous application vide MA No.1451/2017 in OA No.273/2016/SZ before NGT Principal Bench Delhi for transfer of OA No.273/2016/SZ from the southern Zone, Chennai, as per the provision of NGT Act, section 4 (4) read with rule 3, Rules (3) and rule 5.

The application is allowed and the case is transferred to NGT Principal Beach, Delhi vide order Dt.30.11.2017.

The case is again posted for hearing in NGT, New Delhi on 12.04.2018

Further, following team of Advocates service has engaged for the appearance before the National Green Tribunal, New Delhi.

- 1.J.Ramachandra Rao, Additional General to Telangana.
2. A.Sanjeev Kumar, Spl G.P. to Telangana
3. Pinaki Mishra, Sr. Advocate,
4. M.Venkat Reddy, Sr. Advocate,

The case was dismissed on 22.07.2019.