

MINUTES OF THE 29TH MEETING OF THE EXPERT APPRAISAL COMMITTEE (EAC) ON ENVIRONMENTAL IMPACT ASSESSMENT (EIA) OF RIVER VALLEY AND HYDROELECTRIC PROJECTS HELD ON 15TH JUNE, 2022

The 29th Meeting of the EAC (River Valley and Hydroelectric Projects) organized by the Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi was held on 15th June, 2022 through video conference under the Chairmanship of Dr. K. Gopakumar. The list of Members participated in the meeting is at **Annexure**.

Agenda Item No.29.1:

Confirmation of the Minutes of the 23rd EAC meeting

The Minutes of the 28th EAC (River Valley and Hydroelectric Projects) meeting held on 31st May, 2022 were confirmed.

Agenda Item No. 29.2:

Kishau Multipurpose Project 660 MW (4x165 MW) and 97076 Ha, in Chakrata and Shillai tehsil, Dehradun and Sirmaur, District of Uttarakhand and Himachal Pradesh by M/s Kishau Corporation Limited - Terms of Reference (TOR) - reg.

[Proposal No. IA/UK/RIV/276905/2022; F. No. J-12011/09/2021-IA.I(R)]

29.2.1 The proposal is for Terms of Reference to Kishau Multipurpose Project 660 MW (4x165 MW) and 97076 Ha, in Chakrata and Shillai tehsil, Dehradun and Sirmaur, District of Uttarakhand and Himachal Pradesh by M/s Kishau Corporation Limited.

29.2.2 The details of the project submitted by project proponent and ascertained from the document submitted are mentioned below:-

- i. Kishau Dam Project envisaged the construction of a 236 m high concrete gravity dam alongwith a 660 MW capacity power house across the river Tons, a tributary to the river Yamuna, for harnessing the vast monsoon flow of river Tons by storing and utilizing the regulated release thereof, for irrigation and power generation.
- ii. A 236 m high Roller Compacted Concrete gravity dam across river Tons in district Dehradun to provide a gross storage of 1824 Mm³ live storage available for irrigation and power generation as well as for drinking water supply will be more than 1324 MCM throughout the life of the reservoir.
- iii. A spillway with total width of 127 m would be located in the dam body having 6 nos. bays each 17 m wide. The design discharge of spillway is 23019 m³/s. For energy dissipation, flip bucket type stilling basin with splitters has been provided.

- iv. Four intake structures in the body of dam with four off taking unit penstocks of 5.0 m dia each. A surface power house on the left bank of the river with installed capacity of 660 MW (4 x165 MW). Over ground 400 kV pothead yard on the left flank, near the toe of the dam.

29.2.3 The EAC during deliberations noted the following:

The proposal is for Terms of Reference to the project for Kishau Multipurpose Project 660 MW (4x165 MW) and 97076 Ha, in Chakrata and Shillai tehsil, Dehradun and Sirmaur, District of Uttarakhand and Himachal Pradesh by M/s Kishau Corporation Limited.

River Valley Projects are listed in S.N. 1(c) of Schedule of Environment Impact Assessment (EIA) Notification under Category 'A' and to be appraised at Central level in the Ministry.

The project proponent was not well prepared and was not able to give proper reply to the EAC regarding environmental sensitivity and other concerns related to ecological biodiversity. The EAC also took note on the Form-1 submitted on the PARIVESH portal, wherein, there is no details mentioned about the environmental sensitivity around the project site. The project proponent has not done study on alternate site analysis and no details submitted about the reservoir and command area.

29.2.4 The EAC after detailed deliberation decided to return the proposal in present form with the request to submit following information.

- (i) Submit report on alternate site analysis.
- (ii) Study report on impact of proposed project on forest and wildlife.
- (iii) Report on impact and benefits of the proposed project.
- (iv) Revised Form-1 to be submitted along with the details of environmental sensitivity around 10 km of the project site.

The proposal was therefore **returned** in present form.

Agenda Item No. 29.3:

Kopra Medium Irrigation Project (48.43 MCM) in an area of 1044.72 Ha at village Bagaspura Tehsil Rehli, District Sagar, Madhya Pradesh by M/s Water Resources Division No One Sagar – Terms of References (TOR) – reg.

[Proposal No. IA/MP/RIV/241400/2021; F. No. J-12011/07/2022- IA.I (R)]

The project proponent did not attend the meeting. The EAC therefore **deferred** the proposal.

Agenda Item No. 29.4:

OA No. 180 of 2021 (SZ) in the matter of Baddam Raji Reddy & others Vs Union of India and others before the National Green Tribunal Southern Zone, Chennai regarding change the scope of flood flow canal and Gouravelli reservoir by increasing the capacity of canals and reservoir from 1.410 TMCs to 8.23 TMCs under Re-engineering of Indiramma Flood Canal project in Siddipeta District of Telangana State.

29.4.1 The OA No. 180 of 2021 (SZ) in the matter of Baddam Raji Reddy & others Vs Union of India and others has been filed on 10.08.2020 before Hon'ble National Green Tribunal Southern Zone, Chennai as the Irrigation & CAD Department of State of Telangana, issued orders for expansion of Gouravelli Reservoir, situated in Siddipeta District, from 1.410 TMCs to 8.23 TMCs without obtaining the prior environmental clearance from the MoEF&CC. The application has been filed regarding the proposal of 'Re-engineering Indiramma Flood Canal Project' in Siddipeta District of State of Telangana to change the scope of flood flow canal and expansion of Gouravelli reservoir by increasing the capacity of canals and reservoir from 1.410 TMCs to 8.23 TMCs.

In this context, the Hon'ble NGT vide order dated 13.08.2021 constituted a Joint Committee and directed to conduct a site visit in order to find out whether there is any violation committed. Accordingly, the Joint Committee site visit was conducted by Dr E. Arockia Lenin, Scientist 'C', IRO, MoEF&CC, Hyderabad; Shri P. S. Kutiyal, Member, GRMB, Hyderabad and Shri M. Ramesh Kumar, Director, CWC, KGBO, Hyderabad on 22.09.2021 and filed the report on 29.09.2021. The Joint Committee Report was received in the Ministry on 24.11.2021. It was noted that as per the findings of the report, EIA Notification 2006 has been violated. It further mentions that Change in scope of project are reservoir capacity from 1.41 TMCft capacity to 8.23 TMCft, increase in the pump house capacity and feeder canal and the irrigation being envisaged to the same area. Due to this enhancement of capacity, the area of submergence will increase from 769.25 ha to 1566.8 ha, with an increase in partially submerged villages from 2 to 6 with number of Project displaced families (PDFs) increase from 937 to 1104. Moreover, the scope of the project was also changed without obtaining necessary fresh appraisal and the committee also suggested a compensation of Rs. 2 Crores.

Further, the Ministry vide letter dated 07.01.2022 issued a Show Cause Notice to Flood Flow Canal project from Sri Rama Sagar District, Telangana and thereafter, an affidavit was filed on behalf of the MoEF&CC in the NGT, Chennai on 23.01.2022 in compliance of the NGT order dated 20.12.2021. In response of the same the project proponent vide letter No. ENC(G)/SE(P&M)/DCE(GB)/OT3/AEE7/NGT dated 27.01.2022 submitted response against the Show cause notice issued by the Ministry and following is stated:

“..... the environmental clearance is accorded to Flood Flow Canal project from SRSP to irrigate an ayacut of 2,20,000 acres with utilization of 20 TMC of flood water from Godavari river. Hence the enhanced capacity is well within the limits of the boundaries in which EIA was done and clearance was issued in 64th TAC meeting conducted in 1996 and 128th TAC meeting conducted in 2016. Further it

has also made submissions against the non-compliances as observed in the Joint Committee report dated 29.09.2021... ..”

29.4.2 Thereafter, the Hon'ble NGT vide final order dated 10.02.2022, disposed off the matter with following directions to the Ministry:

“..... 49. Under such circumstances, we feel that the application itself can be disposed as follows:-

The contention of the contesting respondent, namely, State of Telangana, that the application is not maintainable and barred by limitations is rejected and we hold that the application is maintainable and within limitation. Since the Ministry of Environment, Forests and Climate Change (MoEF&CC) has taken cognizance of the alleged violations said to have been committed by the State of Telangana and initiated proceedings under Section 5 of the Environment (Protection) Act, 1986 by issuing show cause notice, we feel that there is not necessity for this Tribunal to proceed with the matter and leave open the regulators to take appropriate action against the project proponent on the basis of the enquiry to be conducted by them which must also include revisiting on the question of environmental compensation considering the gravity of the violations committed, on account of the proceeding with the project by the project proponent and also the conduct of the project proponent both the present and past in respect of this project as well as other projects undertaken by them and violation of the EIA Notification, 2006, the nature of damage caused and cost of restoration required while assessing the environmental compensation and pass appropriate orders in accordance with law without much delay.

Since Ministry of Environment, Forests and Climate Change (MoEF& CC) has come to the conclusion on the basis of the material collected by them that the present project requires further environmental clearance, the State of Telangana is restrained from proceeding with the project further till the proceedings initiated by the Ministry of Environment, Forests and Climate Change (MoEF& CC) is completed. 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 sec 66. 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 environmental and reassess the compensation to be recovered from the State of Telangana. 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. As regards the remedy of the applicant regarding the non-availability of the benefits under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 to approach the appropriate authorities are left open. If the Rehabilitation and Resettlement (R & R) is also part of the conditions of Environment Clearance (EC), then Ministry of Environment, Forests and Climate Change (MoEF&CC) are also at liberty to consider those violations and necessary directions can be given in accordance with law to comply with those conditions by the project proponent and

take appropriate action if those conditions are not properly complied with on the basis of the further direction issued by the Ministry of Environment, Forests and Climate Change (MoEF&CC) in this regard.....

29.4.3 The EAC during deliberations observed that based on fact submitted by the project proponent and report of the Joint Committee, it has been confirmed that the project involves violation and the project will be appraised by the EAC as per the standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification, 2006 mentioned in OM dated 7.07.2021.

The EAC therefore, suggested the project proponent to submit the proposal a fresh at PARIVESH portal for terms of reference (ToR) under violation category.

ATTENDANCE

Sr. No	Name & Address	Role	Attendance
1.	Dr. K. Gopakumar	Chairman	P
2.	Dr. N. Lakshman	Member	P
3.	Dr. A. K. Malhotra	Member	P
4.	Dr. UdayKumar R.Y.	Member	P
5.	Shri Sharvan Kumar	Member	P
6.	Dr.J. A. Johnson	Representative of WII	P
7.	Dr.A. K.Sahoo	Representative of CIFRI	P
8.	Shri Yogendra Pal Singh	Member Secretary	P
9.	Dr Saurabh Upadhyay	Scientist C, MoEF&CC	P

APPROVAL OF THE CHAIRMAN

Fwd: draft MOM of the EAC (RVHEP) meeting held on 15.06.2022-reg. Inbox x



Yogendra Pal Singh via nic.in
to me ▾

12:27 PM (3 minutes ago) ☆ ↶ ⋮

From: kgopa@iisc.ac.in

To: "Yogendra Pal Singh" <yogendra78@nic.in>, jjj@wii.gov.in, ajitkumarmalhotra463@gmail.com, "amiya saho" <amiya.sahoo@icar.gov.in>, amiya7@gmail.com, "CE EMO" <ceenvtmgmt@nic.in>, "bijayaketan panigrahi" <bijayaketan.panigrahi@gmail.com>, "chandrahas deshpande" <chandrahas.deshpande@welingkar.org>, dchandrahas@gmail.com, mukesh@iitk.ac.in, lnand@rocketmail.com, "kn shenoy" <kn.shenoy@manipal.edu>, udaykumary@yahoo.com, "Dr. Vijay Kumar" <vijay.kumar66@nic.in>, "Mukesh Sinha" <sinha.mukesh@nic.in>

Cc: "Saurabh Upadhyay" <saurabh.upadhyay85@gov.in>

Sent: Sunday, June 26, 2022 6:27:22 PM

Subject: Re: draft MOM of the EAC (RVHEP) meeting held on 15.06.2022-reg.

Dear Dr Yogendra

I think it is good and I approve it

Kindly get others opinions aLso.

With regards

Gopakumar

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