Item No. 01

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI (Through Video Conferencing)

Original Application No. 23/2020/EZ

Shri Sanjay Kumar Behura

Applicant

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 04.11.2020

CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Mohammad Akram a/w Mr Subhrajit

Sahoo, Advocates.

For Respondent(s): Mr.Saubhagya Nayak, AGA for

Respondents No. 1 & 5.

ORDER

1. By filing this application, the Applicant has sought to assail the Mega Drinking Water Project at Nuahaat, Chandabali, Odisha for the purpose of supplying drinking water to 91 Panchayats in Bhadrak district, those are at Basudevpur, Dhamnagar, Tihidi and Chandbali. The scheme envisages extraction of water from the river Kharasrota which flows in between Rajakanika and Aul blocks in the Kendrapaa district. It is alleged that while taking up such scheme the Government has skipped major rivers, namely, Baitrani,

Salandi, Mantie and Kansabansa for extracting fresh sweet water. The river is said to be the smallest one in the State and the scheme has been conceived without application of mind. The project has neglected the people of Kendrapara district, particularly, those of Rajakanika and all blocks who are more dependent on the river Kharasrota. further alleged that the ground water of Bhadrak district are comparatively more safe for drinking than the water of Kendrapara district and, therefore, the residents/farmers of the said district are dependent upon the river Kharasrota which according to the Applicant is the only source of domestic and agricultural consumption. The Bhitarakanika National Park is also dependent on the said river as the other rivers are saline in nature. It is further alleged that the drawl of water from the river will also endanger the endemic and threatened species of flora and fauna. Based on the above contention, direction has been sought for against the State Government for cancellation of the project and to look for an alternative source for the purpose.

2. Having considering the facts and circumstances set out in the application, when the matter was taken up on 14.05.2020, apart from issuing notice upon the respondent,

- a Committee was constituted comprising of the Principal Secretary, Water Resource Department, Government of Odisha and the Chief Conservator of Forest (Wildlife), who were directed to verify on the factual aspects set out in the application and to submit a report particularly on the following aspects:
 - i. Whether a detailed study had been carried out in respect of the Nuahat Drinking Water Project.
- ii. Whether there are other alternative sources for extracting water for the project.
- iii. Whether the impact of the project upon the people of the district of Kendrapara and Bhadrak as well on the environment had been assessed and studied scientifically.
- 3. In compliance to the above direction, report has been filed by the Committee which reads as follows

"DETAILED REPORT ON EXECUTION INDIVIDUAL RURAL PIPED WATER SUPPLY PROJECT TO 91 5ALINE AFFECTED GRAM **PANCHAYATS OF** CHANDBALI, **BASUDEVPUR** AND **DHAMNAGAR** BHADRAK DISTRICT, ODISHA; AS PER THE **DIRECTION** OFTHE HON'BLE NGT, NEW PRINCIPAL BENCH, **DELHI** 14.05.2020

Chandbali, Dhamnagar, Tihidi and Basudevpur Blocks of Bhadrak district are saline affected Blocks due to their close proximity to the Bay of Bengal. The inhabitants of these Blocks depend mainly on groundwater for their drinking and household activities, which they draw through dug wells and hand pumps. During Rabi crops as well as during scanty rainfall or drought-like situation, they normally used to draw groundwater for irrigation purposes, after installing mechanized deep tube wells and bore wells. The rampant drawal of groundwater over the years have resulted in substantial draw-down of the groundwater causing massive saline ingression, in and around, the coastal GPs/villages, which deprive the people from getting drinking water throughout the year, except a limited period of four months from July to October, during rainy season.

In view of the above, the Government has earlier provided drinking water schemes comprising cluster of few adjoining villages or even in some cases one village, considering the location of the village and yield of groundwater of the bore well.

With passage of time, these schemes lost their functionality due to further draw-down of GWT (ground water table) and due to massive saline ingression during non-monsoon months. The saline ingression reaches the peak during the lean period, from March to June.

The Government, with on-field that investigation reports, realised Groundwater Supply Scheme for drinking water in coastal Blocks or areas where the saline ingression is a serious cause of concern, will not serve any purpose and should not be relied upon, rather Mega Drinking Water Supply Schemes supplying surface water to a cluster villages/cluster of Gram Panchayats/a number of Blocks including Urban Local Bodies may be the best alternative and may meet the necessity of drinking water supply to the people for their drinking as well as household activities.

In Drinking Water Supply Schemes involving surface water, the water is treated scientifically at Water Treatment Plants before sending to the households. With this background, the mega piped water supply project for supplying safe drinking water to a cluster of 91 saline affected Gram Panchayats of Chandbali, Dhamnagar, Tihidi and Basudevpur Blocks of Bhadrak district was envisaged after conducting the feasibility study.

The Chief Engineer III, 0/o the Engineer-in-Chief, R.W.S. & S, Bhubaneswar vide letter No-2187 Dt-15.03.2018 has directed all the Executive Engineers of the RWS & S, under the Panchayati Raj & Drinking Water Department to consider inclusion of water demands of adjoining Urban Local Bodies, if any in their jurisdiction, in consultation with their couterparts in PHEO (Public Health Engineering Organization), while preparing the Detailed Project Reports (DPRs) for Rural Drinking Water Supply Schemes for supplying of treated water to rural households, in view of saving of cost expenditure towards double construction of Headworks, Raw Water Supply Mains and Water Treatment Plants. Copy of the letter of Chief Engineer III, 0/0 the Engineer-in-Chief, RWS&S, Bhubaneswar is annexed in the report and marked as Annexure A.

Considering all these the aspects, Panchayati Raj and Water Drinking Department, Government of Odisha has prepared the Detailed Project Report (DPR) of this Mega Drinking Water Scheme after carrying out the feasibility study of cluster of 91 GPs of 526 villages and 1329 habitations of Basudevpur, Chandbali, Tihidi and Dhamnagar Blocks along with population of Chandbali, Dhamnagar and Basudevpur N.A.Cs as per the population of 2011 census with base year as 2020 and the ultimate population as per the year 2050.

In the present case 4.93cumec water has been allocated for meeting the ultimate water demand for the year 2050, which includes 3.17cumec water against 91G.Ps of Chandbali, Basudevpur, Tihidi and

Dhamnagar Blocks and Urban demand of 1.76 cumec of the adjoining ULBs such as Chandbali, Dhamnagar and Basudevpur N.A.Cs. Copy of the application in Form for allocation of water along with detailed calculation of quantity of water submitted by the Executive Engineer, RWS & S Division, Bhadrak are annexed in to this report and marked as Annexure B.

During the hearing on 14.5.2020, the Hon'ble NGT has sought the report on following lines as detailed below.

14. (i) Whether a detailed study had been carried out in respect of the Nuahat Drinking water project.

PR&DW Department had applied allocation of water from River Baitatani near Akhuapada for its Mega Public Water Supply (PWS) to 91 saline affected GPs of Basudevpur Chandbali, Tihidi Dhamnagar Blocks of Bhadrak district. The proposal was rejected by the 80th WAC meeting held on 13.07.2018 due to nonavailability of adequate quantity of water at the "Irrigation Works". After detailed study the 82" WAC in its meeting held on 28.09.20, suggested an alternative source of Kharashrota with intake location at Barunadiha.

Since water is a State subject and drinking water has the top priority in the State Water Policy, a perennial source i.e. River Kharashrota, a branch of River Brahmani was considered for the purpose. River Kharashrota receives water from Rengali Reservoir during non-monsoon period, apart from good flow during monsoon from the catchment of Brahmani basin. Hence, it is the most suitable source of water to suffice the demand of the subject Mega Project. Accordingly, DoWR has allocated 4.93 cumec of water vide letter No. 20412 dt. 12.09.2019. Copy of the Minutes of 80th, 81", & 82nd WAC meetings ant(letter of compliance submitted by Engineer-in-Chief, R.W.S.& S, Jal **'O**· Parimal Bhawan, Bhubaneswar are annexed to this report and marked as Annexure-C (collectively.)

14 (ii) Whether there are other alternative sources for extracting water for the project.

Alternative sources as described hereunder were also taken into consideration but it was revealed that these could not meet the demand of the Mega Project round the year.

Baitarani: Adequate quantum of water as required for the mega project is not available in the River Baitarani near Akhuapada for which Water Allocation Committee of DoWR had rejected the proposal in its 80"1, 81" & 82"1 meeting held on 13.07.2018, 07.09.2018 & 28.09.2018 respectively. Copy of the Minutes of 8e, 81", and & 824' WAC meetings and letter of compliance submitted by Engineer-in-Chief, R.W.S.& 5, Jal '0' Parimal Bhawan, Bhubaneswar have been annexed in reply to point 14(i).

Salandi: River Salandi is not able to suffice the demand of the project during lean season. Sustainable drinking water supply to 91 GPs is not possible from this source.

Kansbans & Mantel: These rivers do not carry adequate flow to cater to the need of the mega project and are affected by saline ingression. Therefore, drawal of water for the Project was not feasible.

14(iii) Whether the impact of the project upon the people of the districts of Kendrapada & Bhadrak as well on the environment had been assessed & studied scientifically.

As ascertained by the Project Authorities, DPRs for the projects have been prepared for the two Mega PWS Projects for Aul and Rajkanika blocks of Kendrapara district with project cost of Rs.181.64 Crore & Rs.164.18 Crore respectively. As reported by Panchayati Raj & Drinking Water Department the tenders for aforesaid projects will be floated at the earliest.

The Mega Project will provide sustainable drinking water supply to the 91 GPs of Chandbali, Basudevpur Tihidi and Dhamnagar Blocks of Bhadrak district affected by saline ingression with a project cost of Rs.892 crore and an expenditure to the tune of Rs. 295.52 crore has been

incurred in construction of Water Treatment Plant, Elevated Service Reservoirs and laying pipe lines.

A study on Environment and Social Impact Assessment (ESIA) has been conducted in respect of the mega drinking water project and the report has been duly vetted by IIT, Hyderabad. It is evident from the ESIA Report that there is no adverse impact due to implementation of this mega water supply project. Copy of the letter of compliance submitted by Engineer-in-Chief, R.W.S.&S, Jal 'O' Parimal Bhawan, Bhubaneswar has been annexed in reply to point 14(i)."

- 4. It would appear from the above that the concern expressed by the Applicant appear to be unfounded as all relevant factors pointed out by the Applicant have been taken into consideration while undertaking the project. The response to each of the queries put by the Tribunal clearly indicates this fact.
- 5. For the aforesaid reason, we do not deem it necessary to continue further with this matter firstly, on account of the fact that the subject matter raised by the Applicant is not a substantial question relating to environment that would attract provisions of the NGT Act, 2010 and secondly, even in its merits, we do not find the Applicant having made out any case for our interference in the light of the report of the Committee reproduced above.

6. This application is disposed off accordingly.

S.P. Wangdi, JM

Saibal Dasgupta, EM

4th November, 2020 O.A. No. 23/2020/EZ avt