

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

**O.A.No. 85 OF 2015(SZ) &
MA 174 OF 2016 &
MA No. 232 OF 2016(SZ)**

Dr Lubna Sarwath
ex-Convenor
Save Our Urban Lakes
Hyderabad

... Applicant

versus

State of Telangana
Rep. by its Secretary to Government,
Telangana,
Secretariat,
Hyderabad 500 022
& others

...Respondents

**OBSERVATIONS/OBJECTIONS BY THE APPLICANT TO THE JOINT
COMMITTEE REPORT DATED 22 JAN 2021**

The Applicant submits as follows:-

1. The applicant has perused the joint committee report dated 22.01.2021 and submits the following objections to the same.
2. While the NGT order cited by the Joint Committee of 21 January 2020 permitting the Committee 'to co-opt any expert member whom they feel necessary for the purpose of undertaking this aspect.', and TSPCB as the nodal agency, the Committee report has committed contempt of the Tribunal's order as follows: 'The second Committee meeting and site inspection was held on 15.12.2020 and 16.12.2020 respectively, comprising the following Committee members with officials from TSPCB, HMDA & HMWSSB'. Hence, the site visit and report borne out of this visit and meeting is not within ambit of NGT order and appears seriously influenced.
3. In spite of the Applicant raising objections of not being informed of the site visit in march 2020 by the Committee and not being called to take her observations/suggestions, in her reply dated 25 August 2020, yet again the Committee visits on 15 and 16th of December 2020 without calling the Applicant and without taking her objections, while the NGT order directs the Committee to ascertain the objections raised by the applicant, the Committee demonstrated that they are not serious about



the objections raised by Applicant nor about the NGT order of 14 September 2020.

4. The Committee has been appraised about the illegality involved in the contract to M/s Matrix Environment Llc, with substantiations, through the applicant's reply of 25 August 2020 from item number 13(a) to (f), 14, 15, 16, 17 and 30. It is pertinent to note that the Committee in its report of 17 August 2020 stated at item 6(ii) '*But, the Committee did not receive any technical documents about this work.*' While, corruption is writ large in the 'M/s Matrix Environment INC, Bahadupura, Hyderabad' affair as corroborated from the detailed digital and on-ground research findings stated in the reply of 25 August 2020. It is appalling that the Committee did not raise any question on the findings and did not seek any documentary evidence from the respondents.
5. The Applicant submits that the Committee disregarded the industrious labour put in by the applicant on the crux issue of this petition that is to clean Hussain Sagar and the respondents were gaming around by giving contracts to companies that does not even figure on website of HMDA or on the website of the 'M/s Matrix Environment INC, Bahadurpura, Hyderabad' and does not give any document to the Committee. This Tribunal may proceed against the respondents for the corruption and for the silence/endorsement on the corruption respectively.

WHAT THE JOINT COMMITTEE FAILED TO ELICIT FROM THE HMDA:

6. Current online findings regarding 'M/s Matrix Environment INC, Bahadurpura, Hyderabad' are as follows:
 - a) An online search (www.matrixenviro.com and <http://www.matrixenvironmen>) reveals two websites when searched for M/s Matrix Environment INC, Bahadurpura, that HMDA claims to have used bio remediation methods to clean hussain sagar. Further, the website <http://www.matrixenvironment.com> reveals a page <http://www.matrixenvironment.com/Cleaning-up-Hussain-Sagar-Lake.html> where it is observed that all previous information furnished by



the Appliant is not available on the website now. Only general information of EzOx system is provided.

B) Even the youtube link on this Hussain sagar lake.html shows 'Video unavailable'.

C) What is mentioned as part of tender notice is that the company should have proven expertise and experience with various other conditions. Below extract from tender notice of 28.10.2019 and 7.12.2020:

'3. The agency shall have demonstrated experience of pollution elimination or abatement projects by remediation techniques with a proven track record of using their patented technology with official demonstration and the site references. In addition to this, the bidders shall submit CV of the principle investigators who has developed the remediation process and its success at various projects completed along with sustainability of intervention by the bidder.'

D) The Committee has not done the preliminary research even during its second visit in spite of applicant appealing and industriously giving all details of fraud of HMDA Matrix Environment Inc links. Whereas a preliminary investigation, if done sincerely would have revealed that from October 2017 to March 2018, all the waste waters were allowed directly into Hussain Sagar. Further, from April 2018 to June 2019 NACOF, a Bengaluru based company has used EM spray solution and EM Bokashi balls in Hussain sagar which as per media reports was not satisfactory. Further, HMDA states 'in continuation', a Canadian company was given bioremediation contract from March 2020 to August 2020. This is surprisingly being mentioned only in the tender notice issued on 07.12.2020, i.e., ten days before the Committee makes its second visit to the site.

E) In the earlier objections to Committee report of 25 August 2020, it was submitted that a page on the website has a tab 'Hussain Sagar Lake' <http://www.matrixenvironment.com/Cleaning-up-Hussain-Sagar-Lake.html> with the following claim: 'HMDA had **expressed**



satisfaction with the implementation of the free pilot project for improvement of quality of the lake water with Canadian innovative technology', the same page when viewed on 4 February 2021 does not carry the name of Hussain sagar in its entire website.

F) On 21 August 2020, web page <http://www.matrixenvironment.com/Information.html> carried names of Hassan Ahmed and Naseer Mehdi Khan among others; the same page when viewed on 4 February 2021 does carry any name except the name as 'CEO, Mr.Robert Boivin'. No contact tab on website. No contacts on webpage except that of 'robert@robertboivin.com'.

G) Such a company is again mentioned by the Committee in the latest report of 22 January 2021 at Item No. 3 para 1 as '*M/s Matrix environment (INC that was stated in first report of the Committee is missing) commenced the work in the month of March 2020 and continued till august 2020. The bio-remediation of Hussain Sagar has been stopped. HMDA has again prepared a new RFP for remediation of lake and global tenders are invited.*' The Tribunal may direct the Committee to submit what are the documents and field survey done to ascertain the claims above regarding bioremediation of Matrix environment, which the applicant claims as dubious in her reply dated 25 August 2020 itself.

HUSSAIN SAGAR WATERS A PLAYGROUND FOR CORRUPTION CONTRACTS:

H) Upon further findings, it is revealed that HMDA called for global tenders on 28.10.2019 and 7.12.2020 as evidenced in https://hmda.gov.in/pdf/six_tender.pdf and <https://hmda.gov.in/pdf/tender/Tender%20notice%20Dt.07-12-2020%20Modified.pdf>. As per tender notice of 28.10.2019, it is mentioned that '*Due to operational issues and repairs in the trunk sewers from October 2017 to March 2018, the sewage was discharged into the lake from Balkapur Nala and Banjara Nala resulting in the reduction of DO and increase of BOD values.*'

Further the tender notice also details that *'On completion of the repairs and rectifications of the pipeline sewage was diverted. HMDA has issued RFP to Design, Procure, implement proven technological interventions to arrest odour nuisance, algal blooms and to improve water quality and on receipt of the proposals and on recommendations of the Expert Committee awarded the work to an agency with objective and scope of work mentioned for one year. **The agency has carried out the treatment process (Bioremediation intervention using EM Technology products) for the period from 30-04-2018 to 30-06-2019. During the intervention, the agency has sprayed EM solution concentrate of microbes in the lake and Bokashi Balls (EM Mud Balls)'***

I) Further, as per the Tender notice dated 7.12.2020, it is understood that *'EM technology was used from 30.4.2018 to 30.6.2019 and another Canadian based company was selected for 'remediation of lake using energy waves from march 2020 to august 2020.' Earlier, HMDA has issued RFP to Design, Procure, implement proven technological interventions to arrest odour nuisance, algal blooms and to improve water quality with objective and scope of work mentioned for one year. In this regard, the agency selected carried out the Bioremediation interventions that are based on EM Technology products, for the period from 30-04-2018 to 30-06-2019. In continuation, a Company based in Canada was also selected for implementing remediation of lake using energy waves during the period from March 2020 to August 2020.'*

Through media reports of 16 November 2019, *'Last year, HMDA gave the contract to NACOF, a Bengaluru-based company. However, it was learnt the work was not up to its satisfaction as recent heavy downpour brought the condition of lake back to square one.'* A similar operation was taken up in 2013 and 2016 and the water quality improved, added executive engineer.

J) It is further known from the HMDA website that *'Modern food court'* and *'Japanese food courts'* are the latest permissions inside Hussain

Sagar FTL boundary at geo coordinates 17°24'37.4"N 78°28'21.9"E.
Links below:

<https://www.hmda.gov.in/pdf/tender/Modern%20Food%20court%20at%20Lumbini%20Park.pdf>

<https://www.hmda.gov.in/pdf/tender/Japanese%20Model%20Food%20Court%20at%20Peoples%20Plaza.pdf>

K) Further, HMDA called for tenders for 'Hussain Sagar Lake Master Plan and Landscape Re-development'. A master plan of Hussain sagar is not known to the Committee in spite of two visits so far.

<https://www.hmda.gov.in/pdf/tender/Tender%20notice%20%20for%20%20HSL.pdf>

HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY Office of the Chief Engineer block-C, 2ndFloor, HMDA Complex, Tarnaka, Secunderabad-500 007 Tender Notice No. HMDA/DEV/CE/ 28/2019-20 Date : 02-03-2020 Hyderabad Metropolitan Development Authority invites Invitation for Request For Proposal (RFP) for Providing Consultancy Services for Hussain Sagar Lake Master Plan and Landscape Re-development from the reputed National agencies in single stage three over system (Cover-I-Eligibility Criteria, Cover-II-Technical Proposals, Cover-III-Financial Proposals). The detailed scope of work, eligibility criteria and other details can be seen in RFP on website <https://tender.telangana.gov.in>.

L) The HMDA issues tender notice on 2.11.2020 for Lake Front Night Bazaar across lengthy shoreline of Hussain sagar, a source of pollution, concretisation and that which is prohibited for healthy lake environment.

HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY Office of the Chief Engineer 7th floor East Wing, Swarna Jayanti Complex, Ameerpet, Hyderabad -500038 Tender Notice No.HMDA/DEV/CE/13/2020-21Date:02-11-2020 Hyderabad Metropolitan Development Authority is

issuing the Request for Proposal(RFP) for "Grant of License for Design, Procurement, Development, Operation and Maintenance of Lake Front Night Bazaar along the shoreline of Hussain Sagar Lake between Sanjeevaiah Park and Buddha Bhavan, Hyderabad, Telangana". The detailed scope of work, eligibility criteria and other details can be seen in RFP on website ([https://tender.telangana.gov.in.](https://tender.telangana.gov.in))

7. The Committee ought to have prudently questioned the science and sense of 'erecting concrete barriers built in nallahs to prevent sewage'. The Applicant has been repeatedly citing about handling treating sewage/industrial pollutants at source and in the vicinity and not to transport it across terrain through kilometers of pipelines. Unsustainability and unscientific approach of piped transportation of waste waters but the same has not been considered by respondents. The Figure I should be given in full size format for full understanding. The present figure is not at all readable. Purpose of such unreadable submission of an important figure is beyond comprehension. Suggestions can be given only after studying the figure.
8. Point 7 and 8 of the Applicant's reply dated 25 August 2020, the applicant had submitted that out of 9 locations mentioned by the Committee, the 'outflow channel that flows right through the respondent GHMC office was not surveyed/sampled'. Even the geo coordinates and geo tagged picture were provided to substantiate the objection.
9. At item 12, the Applicant sought for re-use of the treated waste waters as emphasized by Supreme Court Monitoring Committee. Treating and re-using the waters is the only way to stop piping of waste waters and obtaining clean lakes. The reply of the Applicant dated 25 August 2020 and the reply of the Applicant to the reports filed by the State on 12 September 2020 and 23 September 2020 may be taken on record for suggestions/alternatives.
10. The Applicant reproduces below the objection and concern raised at point 23 regarding Secretariat debris. There is not a single proof that the debris of the Secretariat of more than 10 lac sq ft would need around 30,000 sq mtrs of land when piled up to a height of five to six meters,

has been actually transported from demolished site to Jeedimetla plant as being claimed. No picture of the estimated 5000 trucks told to having carried debris is available in the entire media nor given by government. This should definitely have been done by issuing a contract to shift the debris to the plant as claimed by government. The issue that was raised by the Applicant is that all the debris has been dumped in the Hussain sagar the waters of which are on the borders of secretariat. Committee did not address the serious issue raised by Applicant. OA 107/2020 pointed out by Committee does not raise this issue at all.

'MAMMOTH VOLUME OF DEBRIS DUMPED IN HUSSAIN SAGAR

23. It is submitted that there is no plan as to where the debris would be taken. Debris of more than 10 lac sq ft would need around 30,000 sq mtrs of land when piled up to a height of five to six meters. It is very pertinent to note here that from July 7 till date there is not a single picture that has been given either by the state government through press release or did any journalist get any picture of any vehicle carrying the debris of the secretariat outside the demolition site. It is submitted that nobody knows where the debris is dumped as there is no official document release on the demolition and construction of the Secretariat. Even the official page of Telangana CMO from where there are communications on daily basis contain any information where the demolition waste has been taken. Whereas, on 27.07.2020, prominent news papers carried the news that more than 4500 truck loads of debris could be generated and more than 2000 truck loads of debris has been removed from the debris site. With no site mentioned officially and with no picture from any news agency regarding disposal of construction waste, it is apprehended that the debris could has has been dumped in the Hussain sagar lake, which would be an illegal act and highly unethical on part of the state government'


11. Figure 1 annexed shows the official geo coordinates and kml drawn on google earth satellite imagery depicting the site area of 'Secretariat Complex' brazenly cuts through the official FTL boundary given to the applicant and is a permanent source of pollution, and another high rise

structure 'Telangana martyr' under construction right inside the FTL barely few meters from 'Secretariats complex' just across the eastern road.

12. The Committee report states that repair works to surplus weir will be completed by this year-end to bring total weir portion to its original level. The question about the lowered weir has not been answered by the Committee. The very FTL of Hussain Sagar has been tampered by the respondents due to lowering of the weir. The lake bed was exposed and further dumped near the Kukatpally nalla side and thus 10 acres had been plotted right inside the FTL of Hussain sagar.

13. Once again Matrix Environmental Inc is cited as example to have done bio remediation without any proof. See above all findings from 3, 4(a) to 4(m) and findings in the reply filed by the Applicant on 25 August 2020, from item number 13(a) to (f), 14, 15, 16, 17 and 30. Item numbers from 48 to 57 in the reply of the Applicant dated 25 august 2020 to Committee report dated 17 august 2020 may be referred by the Committee along with item numbers 4 to 39 in the reply of the Applicant dated 12 sep 2020 to report filed by the State dated 20 August 2020 and item numbers 1 to 14 in the reply filed by the Applicant dated 22 sep 2020 to report filed by the State dated 12 sep 2020.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take on record the observation/ objections filed by the Applicant to the Joint Committee report dated 22.01.2021 and thus render justice.

Solemnly affirmed at Hyderabad]	
On this the 8 th of February 2021]	Before Me
And signed her name in my]	
Presence]	Advocate :: Hyderabad

ANNEXURE A-1

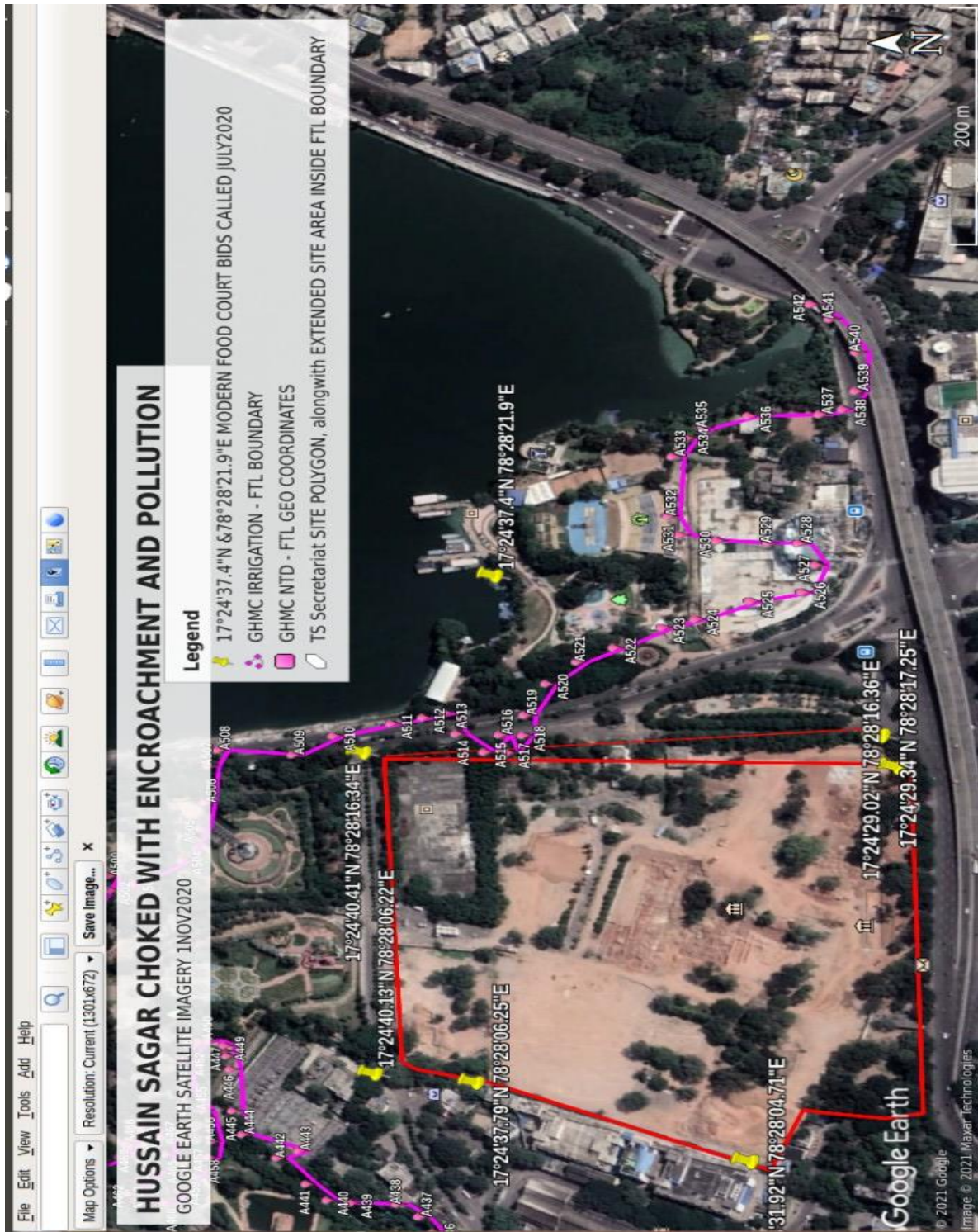


Fig: Satellite imagery showing the extended secretariat complex site (red line) inside FTL and buffer zone of respondent FTL geo coordinates boundary demarcated in pink line. Bids called for Modern Food court inside FTL boundary. Eastern side of red line, few meters from 'secretariat complex' massive constructions inside the pink line FTL boundary in the pretext of 'martyrs memorial'.

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**REPLY AFFIDAVIT FILED BY
THE APPLICANT TO THE
JOINT COMMITTEE REPORT
DATED 22 JANUARY 2021**

**Ms.Rema Smrithi VK
Counsel for the petitioner
9500155357**

