

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application Nos.110 of 2017 (SZ)

In the matter of

MCV Eco Systems  
Rep. by its Managing Partner  
Mrs. M.B.S. Srija  
Kadiyam Village  
East Godavari District

.. Applicant

Vs

- 1.State of Andhra Pradesh  
Rep. by its Principal Secretary  
Environment, Forest, Science & Technology  
Secretariat, Amaravathi, Guntur Dist
2. The Andhra Pradesh State Pollution Control Board  
Rep. by its Member Secretary, Sanathnagar  
Hyderabad
3. The Joint Chief Environmental Engineer (FAC)  
Andhra Pradesh State Pollution Control Board  
Zonal Office, Vijayawada, Krishna Dist
4. The Environmental Engineer  
Regional Office  
Andhra Pradesh State Pollution Control Board  
Rajahmundry East Godavari Dist
5. The Andhra Pradesh State Environment  
Impact Assessment Authority, rep. by its  
Member Secretary  
R5 impleaded as per order  
dated 26.5.2017

.. Respondents

Counsel appearing for the applicants

M/s. P. Venkaiah Naidu  
Syed Sadiq & Associates

Counsel appearing for the respondents

For respondent No.1 .. Mrs. H. Yasmeen Ali

For respondent Nos.2 to 5 .. Mr. T. Sai Krishnan

O R D E R

Present

Hon'ble Shri Justice Dr. P. Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

26<sup>th</sup> May, 2017

Whether judgment is allowed to be published on the Internet .. Yes/No

Whether judgment is to be published in the All India NGT Reporter .. Yes/No

We have heard the learned counsel appearing for the applicant and Mr T. Sai Krishnan, learned counsel appearing for the respondents.

After hearing the learned counsel, we are of the view that the Andhra Pradesh State Environment Impact Assessment Authority (SEIAA) should be made as party – respondent for proper adjudication of the issue. Accordingly, SEIAA is suo motu impleaded as 5<sup>th</sup> respondent. The Registry shall make necessary amendment in this regard. The applicant shall file the fresh memo of parties.

2. The prayer in this application is challenging the 'Consent' order of the Board dated 7.2.2017 in and by which the Andhra Pradesh State

Pollution Control Board (Board) has rejected the application filed by the applicant/project proponent dated 25.5.2015 seeking 'Consent to Establish' in respect of the proposed bio-medical waste treatment facility. The reasons given for passing the impugned order are that as per the Notification of the Government of India MoEF & CC dated 17.4.2015, prior Environmental Clearance (EC) is required in accordance with the EIA Notification, 2016 for consideration of 'Consent' application. That apart, the impugned order also shows that there are small water bodies existing within 260 M, 640 M and 750 M on the Northern direction of the site proposed for establishing CBMWTF.

3. Mr. Sai Krishnan, learned counsel appearing for the Board who also undertakes to appear for the newly added party viz., SEIAA would submit that since the EIA Notification has been amended further by Notification dated 17.4.2015 making it clear that the prior EC is required for the purpose of consideration of application for 'Consent to Establish' and the application for 'Consent' made by the applicant/project proponent on 25.5.2015 will be considered only after EC is obtained from SEIAA.

4. The learned counsel appearing for the applicant would submit that the application has been made to SEIAA recently. If such application is received by SEIAA and if it is in order, it is for the SEIAA to pass

appropriate order in respect of the grant of EC. Such order shall be passed by SEIAA expeditiously. On such EC having been granted by the 5<sup>th</sup> respondent, thereafter it will be open to the Board to consider the application for 'Consent to Establish' and pass orders on merits and in accordance with law

With the above observation, the application stands disposed of.

Justice Dr.P.Jyothimani

Judicial Member

Shri P.S.Rao

Expert Member

NGT