

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

**Appeal No. 75 of 2017 (SZ)**

**Appellant(s)**

M/s. Subramanyeswara  
Swamy Rice Mill,  
Rep., by its partner,  
Maruthi Nagar,  
Guntur District.  
P

**Vs. Respondent(s)**

State of Andhra Pradesh,  
Rep., by its Principal Secretary,  
Environment, Forest, Science and  
Technology, Amaravathi,  
Guntur District and 4 others

**Legal Practitioners for Appellant(s)**

M/s. Naidu Associates,  
Venkaiah Naidu,  
Syed Sadiq

**Legal practitioners for respondent(s)**

Mr.T.Sai Krishnan for R1, R2 and R 3

Note of the Registry	Orders of the Tribunal
Order No. 3	<p>Date: 13<sup>th</sup> September, 2017</p> <p style="text-align: center;">Heard the learned counsel appearing for the appellant.</p> <p>The appeal is filed challenging an order passed by the Andhra Pradesh Pollution Control Board dated 07.09.2017 under Section 33 (A) of the Water (Prevention and Control of Pollution) Act and under Section 31 (A) of the Air (Prevention and Control of Pollution) Act.</p> <p>Though an appeal will lie as against an order passed under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, no appeal will lie before the Tribunal as</p>

against the order passed under Section 31 (A) of the Air (Prevention and Control of Pollution) Act. Under Section 16 (f) of the National Green Tribunal Act, an appeal will lie only against the order of Appellate Authority.

The learned counsel appearing for the appellant submitted that no Appellate Authority is functioning in the State of Andhra Pradesh and in such circumstances, the appellant is compelled to file the appeal before this Tribunal.

The learned counsel appearing for the Andhra Pradesh Pollution Control Board (APPCB) agrees to the submissions that no Appellate Authority is in existence in the State of Andhra Pradesh.

As this is an appeal challenging the order passed by APPCB under Section 33 (A) of the Water (Prevention and Control of Pollution) Act and under Section 31 (A) of the Air (Prevention and Control of Pollution) Act, there is no need to implead respondent Nos.1 and 2. Hence, issue notice to respondent Nos.3 to 5.

Mr. T.Sai Krishnan, the learned counsel takes notice for respondent Nos.1 to 3 (respondent Nos.3 to 5 shown in the cause title) and waive service of notice. Appellant shall make necessary corrections in the cause title.

The appellant to furnish copy of the appeal memorandum with annexures to the learned counsel appearing for respondent Nos. 1 to 3 during the course of the day.

Let the reply be filed by respondents 1 to 3 within by next posting day.

List the matter on 20.09.2017.

.....J.M.

(Justice M.S. Nambiar)

