

Item No. 02

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

Original Application No. 26/2018 (SZ)

Srinivasa Rao Kodali

Applicant(s)

Versus

Karnataka State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 25.03.2019

**CORAM : HON'BLE. MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): G. R. Associates.

For Respondent (s): Mr. Devraj Ashok, Advocate for SEIAA and KSPCB

ORDER

1. As per order dated 28.01.2019 a committee consisting of SEIAA, Karnataka and Karnataka State Pollution Control Board was directed to conduct joint inspection of Respondent No. 6 industry and verify on the facts set out in the Original Application and if it is found to be true, both the authorities are at liberty to take appropriate action against Respondent No. 6 in accordance with law and submit a report within one month.
2. The committee so appointed has submitted a report dated 15.03.2019, noting certain violation and made following conclusions:-

CONCLUSIONS

- The Consent for Establishment (CEE) was issued to the unit under Water (Prevention & Control of Pollution) Act, 1974 (WATER ACT) and Air (Prevention & Control of Pollution) Act, 1981 (AIR ACT) for establishment of Sponge Iron plant of capacity 100 TPD by the KSPCB vide NO. KSPCB/ CFE-Cell/ RI&PL/EIA-668/2006-2007/327 dated 02.02.2007.
- Environmental Clearance has been issued to the Proponent vide order dated 06.04.2009 in NO. SEIAA: 37: IND: 2007 for establishment of Sponge Iron with a capacity of 1x 100 TPD.

- The FIRST Consent for Operation (CFO) was issued to the unit under Water Act and Air Act to produce sponge iron 100 TPD by the KSPCB vide combined consent order NO. PCB/SEO/MINE/2009-10/936 dated 07.12.2009 with a validity up to 30.06.2010. Now, the unit has valid consent for discharge of effluents under the Water Act and emissions under Air Act issued by KSPCB vide Combined Consent Order No. 180/PCB/MIN/CFO/2016-2017/0B-449 dated 20.07.2016, has a validity up to June 30, 2020.
- Industry has complied to 22 conditions, partially complied to 8 and not complied to 5 with respect to CFE conditions.
- Industry has complied to 22 conditions, partially complied to 2 and not complied to 3 with respect to CFO conditions.
- Industry has complied to 1 condition, Not complied to 4 and 1 partially not complied to EC conditions.

MAJOR NON COMPLIANCES

- As per the records available industry is established and operation in a land which not converted for industrial purpose.
- The industry is established in violation of sitting guidelines i.e. distance criteria with respect to NH/SH is not maintained.
- Additional kiln of 1x100 TPD capacity has been erected without Environmental Clearance from SEIAA and CFE from KSPCB.

RECOMMENDATIONS:-

- Because of the above non compliances it is recommended to issue notice of proposed direction under the provisions of Water ACT, 1974 and Air Act, 1981 from KSPCB.
- The SEIAA, Karnataka and KSPCB to initiate further action in accordance with law against the industry based on above facts and observations.

3. It is also seen from the report that on the basis of recommendations the Karnataka Pollution Control Board has issued notice to the project proponent under Section 33(A) of The Water (Prevention and Control of Pollution) Act, 1974 and Section 31(A) of The Air (Prevention and Control of Pollution) Act, 1981 asking them to show cause why the industry should not be closed for the violation noted, giving them 15 days time for submit their explanation. The

Learned Counsel for the Pollution Control Board submitted that they require at least one month time for finalizing the proceeding and submit a final action taken report. The State Pollution Control Board is directed to complete the proceedings within the above mentioned time and submit the final report by E-mail within the above mentioned time.

4. List this matter on 8th May, 2019 for consideration of final action taken report.

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 25, 2019
O.A. No. 26/2018 (SZ)
HB & AG

