

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

Appeal No. 10 of 2020 (S Z)

M/s. Fatima Poultry Farm

--vs--

.... Appellants

Telangana State Pollution Control Board
and 2 others

...Respondents

TYPED SET OF PAPERS FILED BY THE 1st RESPONDENT

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Certified that the above the above are true copies of their respective originals.

Dated at Chennai on this the 3rd day of March, 2021


Counsel for 1st respondent

Annexure - 1



TELANGANA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE - I, RANGAREDDY DISTRICT
 H.No.6-3-1219, Block C, Ward No.91, 2nd Floor, Backside of Country Club, Kundanbagh, Umanagar, Begumpet, Hyderabad - 500016.

M. Venkanna,
 Environmental Engineer

Tele-Fax : 23401520
 Website: tspcb.cgg.gov.in

Lr.No.3/PCB/RO.I-RRD/2019- 986

Date: 29.02.2020.

To
 The Superintending Engineer (Operations),
 TSSPDCL, Rajendranagar Circle
 Nanal Nagar 'X' Road, Rethibowli
 Hyderabad

Sir,

Sub: PCB - RO.I-R.R.Dist -M/s. Fatima Poultry Farm, Sy.No. 225(Part) & 228 (Part), Beside BTR Gated Community, Thummaluru (V), Maheshwaram (M), Rangareddy District - Closure Orders issued - Disconnection of Power Supply - Reg.

- Ref: 1. Closure Order No.3-Complaint/TSPCB/RO.I-RRD/2019-454, dated 27.09.2019
 2. Disconnection of Power Supply Order No.3-Complaint/TSPCB/RO.I-RRD/2019-455, dated 27.09.2019
 3. Hon'ble High Court W.P.No.22353 of 2019 interim order dated 14.10.2019.
 4. Letter received from Sri P.Shiva Kumar, Advocate, Standing Counsel for TSPCB on 28.11.2019.
 5. Hon'ble High Court W.P.No.22353 of 2019 order dated 06.12.2019.
 6. Copy of Contempt Notice received from BTR Owners Welfare Association on 01.02.2020

With reference 1st cited above, the Board has issued closure orders to M/s. Fatima Poultry Farm, Sy.No. 225(Part) & 228 (Part), Beside BTR Gated Community, Thummaluru (V), Maheshwaram (M), Rangareddy District as the industry is operating without having necessary permissions and not provided adequate air and water pollution control measures and causing water, air pollution and smell nuisance in the surrounding area, thereby affecting the public health and environment on 27.09.2019. It is also informed that, the Board served disconnection of power supply orders on 04.10.2019. The copy is enclosed for ready reference.

Vide reference 3rd cited above, Hon'ble High Court in W.P.No.22353 of 2019 passed interim order dated 14.10.2019 as follows:

"Learned Standing Counsel for the 2nd respondent - Pollution Control Board submits that the matter be listed before the Green Bench dealing with environmental issues.

Since the subject of environment is shown both in the roster notified to this Court as well as the Green Bench, the petitioner had moved a Lunch Motion, particularly in view of the decision of the Pollution Control board to disconnect the power supply to the poultry farm. As untimely disconnection of power supply would result in loss of livestock and the finance, the matter requires urgent hearing. Hence, though the learned Standing Counsel request to list this case before the Green bench, considering the time consumption involved in the process of directing this case to be listed before the Green Bench and listing the same before the said Bench, etcetera, this Court deems it appropriate to pass the order as an interim measure.

There shall be interim stay of disconnection of power supply to the petitioner poultry farm for a period of ten days.

List the Writ Petition before the Green Bench forth with."

DESPATCHED

On 29/02/2020

Thereafter by an order dated 25.10.2019 the said interim order was extended for a period of 2 weeks and again the interim order was further extended by an order dated 08.11.2019 for 2 more weeks which expired on 22.11.2019.

With reference to 4th cited above, the Standing Counsel of TSPCB informed that the closure order dated 27.09.2019 was never suspended by the Hon'ble High Court. Further, on 22.11.2019 the Hon'ble High Court refused to extend the interim order dated 14.10.2019.

Vide reference 5th cited above, Hon'ble High Court in W.P.No.22353 of 2019 passed order dated 06.12.2019 as follows:

"In view thereof, 6 weeks time is granted from today to relocate the bids from the present poultry farm. There shall be further direction to the 3rd respondent -TSSPDCL, Rep. by it's Superintendent Engineer(Operations) to restore the power supply to the poultry farm to the Petitioner forthwith. The said power supply shall be continued only for a period of 6 weeks, it is open for the 3rd Respondent to cause disconnection of power supply without any further notice to the Petitioner."

"In case of default on the part of the Petitioner in shifting the poultry farm within the time granted by this court, it is open for the 2nd Respondent (TSPCB) to take appropriate action in accordance with law in terms of impugned order dated 27.09.2019 for closure of poultry farm."

In view of the above, it is requested to carry out the orders of the Hon'ble High Court dated 06.12.2019 immediately as the 6 weeks' time stipulated in the said order stood expired on 17.01.2020 and disconnect the power supply to the M/s. Fatima Poultry Farm, Sy.No. 225(Part) & 228 (Part), Beside BTR Gated Community, Thummaluru (V), Maheshwaram (M), Rangareddy District and provide last energy meters readings, date of disconnection and status of disconnection of power supply.

Yours faithfully,


ENVIRONMENTAL ENGINEER
Environmental Engineer
T.S. Pollution Control Board
Regional Office-I, R.R. District.

O/o. Superintending Engineer
TSSPDCL
No. _____
02 MAR 2020
Operation TSSPDCL
Rajendranagar Circle
Nanol Nagar 'X' Road, Rajibowla, Hyderabad

Annexure - 2



TELANGANA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE – I, RANGAREDDY DISTRICT
 H.No.6-3-1219, Block C, Ward No.91, 2nd Floor, Backside of Country
 Club, Kundanbagh, Umanagar, Begumpet, Hyderabad - 500016.

M. Venkanna,
 Environmental Engineer

Tele-Fax : 23401520
 Website: tspcb.cgg.gov.in

Lr. No. /MHM/PCB/RO.I -RRD/TSOCMMS/CFO/2020- 1187

Date:11.06.2020

To
 M/s. Fatima Poultry Farm,
 Sy.no. 225(part) & 228 (part),
 Beside BTR gated community,
 Thummaluru (V), Maheshwaram (M),
 Rangareddy District.

Sub: - TSPCB, RO.I-RRD – CFO – M/s. Fatima Poultry Farms, Sy no.258/A, 225/A & 258/A, Beside BTR gated community, Thummaluru (V), Maheshwaram (M), Rangareddy District – CFO Application - Rejected - Reg.

Ref: -

1. Industry's CFO application received through TSOCMMS vide application no. 2341317 on 14.01.2020 at TSPCB, RO-I, Rangareddy district.
2. Hon'ble High Court W.P.No.22353 of 2019 interim order dated 14.10.2019.
3. Letter received from Sri P.Shiva Kumar, Advocate, Standing Counsel for TSPCB on 28.11.2019.
4. Hon'ble High Court W.P.No.22353 of 2019 order dated 06.12.2019.
5. Inspection of the industry by the Board Officials on 16.03.2020

* * *

Vide reference 1st cited, M/s. Fatima Poultry Farms, Sy no.258/A, 225/A & 258/A, Beside BTR gated community, Thummaluru (V), Maheshwaram (M), Rangareddy District has applied for CFO for Poultry farm with an investment of Rs.352 Lakhs.

Vide reference 2nd cited above, Hon'ble High Court in W.P.No.22353 of 2019 passed interim order dated 14.10.2019 as follows:

"Learned Standing Counsel for the 2nd respondent – Pollution Control Board submits that the matter be listed before the Green Bench dealing with environmental issues.

Since the subject of environment is shown both in the roster notified to this Court as well as the Green Bench, the petitioner had moved a Lunch Motion, particularly in view of the decision of the Pollution Control board to disconnect the power supply to the poultry farm. As untimely disconnection of power supply would result in loss of livestock and the finance, the matter requires urgent hearing. Hence, though the learned Standing Counsel request to list this case before the Green bench, considering the time consumption involved in the process of directing this case to be listed before the Green Bench and listing the same before the said Bench, etcetera, this Court deems it appropriate to pass the order as an interim measure.

There shall be interim stay of disconnection of power supply to the petitioner poultry farm for a period of ten days.

List the Writ Petition before the Green Bench forth with."

Thereafter by an order dated 25.10.2019 the said interim order was extended for a period of 2 weeks and again the interim order was further extended by an order dated 08.11.2019 for 2 more weeks which expired on 22.11.2019.

With reference to 3rd cited above, the Standing Counsel of TSPCB informed that the closure order dated 27.09.2019 was never suspended by the Hon'ble High Court. Further, on 22.11.2019 the Hon'ble High Court refused to extend the interim order dated 14.10.2019.

Vide reference 4th cited above, Hon'ble High Court in W.P.No.22353 of 2019 passed order dated 06.12.2019 as follows:

"In view thereof, 6 weeks time is granted from today to relocate the birds from the present poultry farm. There shall be further direction to the 3rd respondent -TSSPDCL, Rep. by it's Superintendent Engineer(Operations) to restore the power supply to the poultry farm to the Petitioner forthwith. The said power supply shall be continued only for a period of 6 weeks, it is open for the 3rd Respondent to cause disconnection of power supply without any further notice to the Petitioner."

"In case of default on the part of the Petitioner in shifting the poultry farm within the time granted by this court, it is open for the 2nd Respondent (TSPCB) to take appropriate action in accordance with law in terms of impugned order dated 27.09.2019 for closure of poultry farm."

Vide reference 5th cited, the Board Officials inspected the site on 16.03.2020 and observed the following:

1. The poultry farm is located at Sy.no. 225(part) & 228 (part), Beside BTR gated community, Thummaluru (V), Maheshwaram (M), Rangareddy District.
2. During inspection, it was observed that, the power was disconnected in the poultry farm but the poultry farm was in operation without power supply.
3. Hon'ble High Court in the order dated: 06.12.2019 stated that, the poultry farm shall relocate the birds within 6 weeks time which was expired on 17.01.2020.
4. The poultry farm is having 6 Nos. of sheds out of which 4 x 28,000 birds each shed, 2 x 15,000 birds each shed. Thus a total capacity of 1,42,000 birds.
5. The poultry farm is located just adjacent to Banyan Tree Retreat (BTR) Gated community comprising of about 400 villas.
6. Odour was observed in and around the poultry farm. The smell nuisance is very much persistent in the Villas just adjacent to the boundary wall of the Poultry farm.

Besides the above, it is observed and noted that the following guidelines prescribed by the Central Pollution Control Board have been violated by you while operating the poultry farm:

- i. You failed to maintain the guidelines relating to dead birds disposal, composting facility and also incineration, prescribed under Bio medical waste (management and handling) Rules, 2016 for erection and operation of the incinerator.
- ii. You failed to follow the guidelines relating to manure storage and management storage.
- iii. You failed to follow the guidelines relating to hatchery waste and waste water management.

Hence, the CFO application of the M/s. Fatima Poultry Farms, Sy no.258/A, 225/A & 258/A, Beside BTR gated community, Thummaluru (V), Maheshwaram (M), Rangareddy District (TSOCMMS) is herewith Rejected.

You may also note that there shall not be any activity without obtaining CFE/CFO of the Board, as required under Sec. 25/26 of Water Act and 21/22 of Air Act, which is punishable under section 44 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 37 of the Air (Prevention and Control of Pollution) Act, 1981.


ENVIRONMENTAL ENGINEER
 Environmental Engineer
 T.S. Pollution Control Board
 Regional Office-I, R.R. District

Annexure-3



TELANGANA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE – I, RANGAREDDY DISTRICT
 H.No.6-3-1219, Block C, Ward No.91, 2nd Floor, Backside of Country
 Club, Kundanbagh, Umanagar, Begumpet, Hyderabad - 500016.

M. Venkanna,
 Environmental Engineer

Tele-Fax : 23401520
 Website: tspcb.cg.gov.in

Lr.No.3/Complaint/PCB/RO-I-RRD/2020- 1223

Date:26.06.2020

To
 The Tahsildhar,
 Maheshwaram Mandal,
 Rangareddy District

Sir,

Sub:- TSPCB – RO-I-RRD - M/s. Fatima Poultry Farm, Sy.no. 225(part) & 228 (part), Beside BTR gated community, Thummaluru (V), Maheshwaram (M), Rangareddy District – Smell nuisance caused by the Poultry farm in the surrounding areas – Closure Order issued – Continuing operations by installing Solar Power – Action requested - Reg.

- Ref:-
1. Closure Order No.3-Complaint/TSPCB/RO-I-RRD/2019-454, dated 27.09.2019
 2. Disconnection of Power Supply Order No.3-Complaint/TSPCB/RO-I-RRD/2019-455, dated 27.09.2019
 3. Hon'ble High Court W.P.No.22353 of 2019 order dated 06.12.2019.
 4. Letter addressed to The Superintending Engineer (Operations), TSSPDCL, Rajendranagar Circle Lr. No 3 /PCB/RO-I-RRD/2019-936 Dated 29.02.2020
 5. Industry's CFO application received through TSOCMMS vide application no. 2341317 on 14.01.2020 at TSPCB, RO-I, Rangareddy district.
 6. Inspection of the industry by the Board Officials on 16.03.2020
 7. CFO Application rejected letter dated 11.06.2020.
 8. Legal Notice received from BTR Owners Welfare Association on 12.06.2020 regarding operation of M/s. Fatima Poultry Farm even after issuing closure order.
 9. Inspection of Board Officials on 17.06.2020



With reference 1st cited above, the Board has issued closure orders to M/s. Fatima Poultry Farm, Sy.No. 225(Part) & 228 (Part), Beside BTR Gated Community, Thummaluru (V), Maheshwaram (M), Rangareddy District on 27.09.2019 as the industry is operating without having necessary permissions and not provided adequate air and water pollution control measures and causing water, air pollution and smell nuisance in the surrounding area, thereby affecting the public health and environment. It is also informed that, the Board served disconnection of power supply orders on 04.10.2019. The copy is enclosed for ready reference.

Vide reference 3rd cited above, Hon'ble High Court in W.P.No.22353 of 2019 passed order dated 06.12.2019 as follows:

"In view thereof, 6 weeks time is granted from today to relocate the birds from the present poultry farm. There shall be further direction to the 3rd respondent -TSSPDCL, Rep. by its Superintendent Engineer(Operations) to restore the power supply to the poultry farm to the Petitioner forthwith. The said power supply shall be continued only for a period of 6 weeks, it is open for the 3rd Respondent to cause disconnection of power supply without any further notice to the Petitioner."

"In case of default on the part of the Petitioner in shifting the poultry farm within the time granted by this court, it is open for the 2nd Respondent (TSPCB) to take appropriate action in accordance with law in terms of impugned order dated 27.09.2019 for closure of poultry farm."

In this regard, vide reference 4th cited this office has addressed a letter to re disconnect the Power Supply again for the poultry farm.

Vide reference 5th cited, M/s. Fatima Poultry Farms, Sy no.258/A, 225/A & 258/A, Beside BTR gated community, Thummaluru (V), Maheshwaram (M), Rangareddy District has applied for CFO for Poultry farm with an investment of Rs.352 Lakhs.

In this regard, the Board Officials inspected the site on 16.03.2020 and observed the following:

1. The poultry farm is located at Sy.no. 225(part) & 228 (part), Beside BTR gated community, Thummaluru (V), Maheshwaram (M), Rangareddy District.
2. During inspection, it was observed that, the power was disconnected in the poultry farm but the poultry farm was in operation without power supply.
3. Hon'ble High Court in the order dated: 06.12.2019 stated that, the poultry farm shall relocate the birds within 6 weeks time which was expired on 17.01.2020.
4. The poultry farm is having 6 Nos. of sheds out of which 4 x 28,000 birds each shed, 2 x 15,000 birds each shed. Thus a total capacity of 1,42,000 birds.
5. The poultry farm is located just adjacent to Banyan Tree Retreat (BTR) Gated community comprising of about 400 villas.
6. Odour was observed in and around the poultry farm. The smell nuisance is very much persistent in the Villas just adjacent to the boundary wall of the Poultry farm.

Besides the above, it is observed and noted that the following guidelines prescribed by the Central Pollution Control Board have been violated by you while operating the poultry farm:

- i. You failed to maintain the guidelines relating to dead birds disposal, composting facility and also incineration, prescribed under Bio medical waste (management and handling) Rules, 2016 for erection and operation of the incinerator.
- ii. You failed to follow the guidelines relating to manure storage and management storage.
- iii. You failed to follow the guidelines relating to hatchery waste and waste water management.

Hence, vide reference to 7th cited, the CFO application of the industry is rejected vide order dated 11.06.2020

Vide reference to 8th cited, this office received a legal notice dated 12.06.2020 from BTR Owners Welfare Association to implement the closure order dated 27.09.2019 by seizing M/s. Fatima Poultry Farm and take appropriate steps against the Proprietor for running the Poultry activity, contrary to the Closure Order, disconnection of electricity and also in violation of Order dated 06.12.2019 passed by the Hon'ble High Court.

In this regard, the Board Officials inspected the Poultry Farm on 17.06.2020, during inspection Sri. Arjun Rao, Supervisor was present and accompanied and following observations were made.

1. The poultry farm is located at Sy.no. 225(part) & 228 (part), Beside BTR gated community, Thummaluru (V), Maheshwaram (M), Rangareddy District.
2. Hon'ble High Court in the order dated: 06.12.2019 stated that, the poultry farm shall relocate the birds within 6 weeks time which was expired on 17.01.2020.
3. During inspection, it was observed that, the power was disconnected in the poultry farm but the poultry farm was in operation.
4. The poultry farm is having 6 Nos. of sheds out of which 4 x 28,000 birds each shed, 2 x 15,000 birds each shed. Thus a total capacity of 1,42,000 birds.
5. During inspection it was observed that the out of 4 sheds with capacity 28,000, 3 sheds are in operation
6. The unit has installed Solar Power Panels for power supply.

7. The poultry farm is located just adjacent to Banyan Tree Retreat (BTR) Gated community comprising of about 400 villas.
8. Odour was observed in and around the poultry farm. The smell nuisance is very much persistent in the Villas just adjacent to the boundary wall of the Poultry farm.
9. The Poultry farm failed to maintain the guidelines relating to dead birds disposal, composting facility and also incineration, prescribed under Bio medical waste (management and handling) Rules, 2016 for erection and operation of the incinerator.
10. The Poultry farm failed to follow the guidelines relating to manure storage and management storage leading to severe smell nuisance and fly menace.
11. The Poultry farm failed to follow the guidelines relating to hatchery waste and waste water management.

Thus Fatima poultry and its proprietor is conducting poultry activities in the premises contrary to the Closure Order issued by PCB and also in violation and disregard of the Orders of the Hon'ble High Court by illegally using alternate source of power supply, even though the Electricity was officially disconnected by the TSSPDCL. Therefore the Fatima Poultry is liable to be seized to strictly implement orders.

In view of the above, it is requested to seize M/s. Fatima Poultry Farm, Sy.no. 225(part) & 228 (part), Beside BTR gated community, Thummaluru (V), Maheshwaram (M), Rangareddy District and report compliance to this office within 7 days time for further course of action. If necessary, you can seek the help and assistance of local police for seizing the poultry farm.

Yours faithfully,

Encl: As above


ENVIRONMENTAL ENGINEER
Environmental Engineer
T.S. Pollution Control Board
Regional Office-I, R.R. District

Annexure - 4

**Government of Telangana
Revenue Department**

From
R.P Jyothi,
Tahsildar,
Maheshwaram Mandal



To
The Environmental Engineer
TS Pollution Control Board
R.R.Dist., at 6-3-1219, Block-
C, Ward 91, 2nd Floor, Backside
of Country Club, Kundan
Bagh, Uma Nagar, Begumpet,
Hyderabad-500016.

Lr No. B/ 1212 / 2020 Dated : 04-07-2020

Sub:- TSPCB – RO1-Ranga Reddy District – M/s.Fathima Poultry Farm,
Sy.No.225/Part & 228/Part, Beside BTR Gated Community,
Thummaloor Village Maheshwaram Mandal – Ranga Reddy District
Smell Nuisance caused by the Poultry farm in the surrounding areas
closure orders issued by TSPCB – continuing operations by
installing Solar Power – Requested for seize the Poultry Farm –
Compliance Report Submitted – Reg.

- Ref:- 1. Environmental Engineer TSPCB, Regional Office-1,
Ranga Reddy District Lr.No.3/Complaint/PCB/RO1-RRD/
2020-1223, Dtaed:26-06-2020.
2. This Office Notice No. B/1212/2020 Dated : 07-07-2020.

I invite kind attention to the reference cited where in the Environmental
Engineer TSPCB, Regional Office-1, Ranga Reddy District vide his letter
Dated:26-06-2020, addressed the undersigned stating that M/s.Fathima Poultry
& its proprietor is conducting Poultry activities in the premises contrary to the
closer order issued by PCB and also in violation and disregard of the orders of
the Hon'ble High Court by illegally using alternate source of Power Supply, even
though the Electricity was officially disconnected by the TSSPDCL. As such it
was requested to seize M/s.Fathima Poultry Farm situated at Sy.No.225/Part &
228/Part beside BTR Gated Community Thummaloor Village Maehswaram
Mandal Ranga Reddy District and report compliance within (7) days.

Accordingly, I have inspected the M/s.Fathima Poultry Farm situated at
Sy.No.225/Part & 228/Part beside BTR Gated Community Thummaloor Village
Maehswaram Mandal Ranga Reddy District on 04-07-2020. During my
inspection it was observed that there are 50,000 Live Birds are existed in the
Poultry Farm, if the Farm will seize the damage will causes to live Birds.

Further, the Proprietor M/s.Fathima Poultry Farm have been requested
vide reference 2nd cited to shift the existing Birds from the Poultry Farm to avoid
damage to the Birds and also Smell Nuisance in the surrounding area thereby
affecting the public Health and Environment within week days for seizure of
Farm in view of implement the Hon'ble High Court orders

AEE-II
R.P.Jyothi
01/08

Dated:06-12-2019 in WP.No.22353/2019 and the Closure orders of the Pollution Control Board Dated:27-09-2019

In reply to the said notice the Proprietor M/s.Fathima Poultry Farm shifted the live birds from the said premises on 20th and 21st of July 2020 and given an undertaking that he would not resume any poultry activities in the said land. For the sake of cleaning and safety of his land there are 15 labourers staying in the said area for their livelihood.

This is for favour of kind information.

Yours Faithfully

Encl: 1) Undertaking Dated :27-07-2020

Tahsildar
Maheshwaram Mandal

(S)

Copy Submitted To:

1. The District Collector Ranga Reddy District for favour of kind information.
2. The Revenue Divisional Officer Kandukur Division, for favour of kind information.
3. Copy to M/s. Fathima Poultry Farms Rep.By its Proprietor
Mohammed Raza Nabi S/o.Hazi Ali Nabi
Sy.No.225/Part & 228/Part, Thummaloor Village, Mahehswarem Mandal,
Ranga Reddy District.

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

Appeal No. 10 of 2020 (S Z)

M/s. Fatima Poultry Rarm
.... Appellants
--VS --

Telangana State Pollution Control Board
and 2 others
...Respondents

TYPED SET OF PAPERS FILED BY THE
1st RESPONDENT

M/s. T. Sai Krishnan

Counsel for 1st Respondent