

BEFORE NATIONAL GREEN TRIBUNAL SOUTHERN BENCH, CHENNAI ORIGINAL
APPLICATION No. 105/2021.

JOINT COMMITTEE REPORT IN THE MATTER OF O.A. NO.105/2021 SUBMITTED
TO HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN BENCH, CHENNAI IN COMPLIANCE
TO HON'BLE NGT ORDER DATED 16th SEPTEMBER,2021.

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Ch. Rajasekhar, Environmental Engineer,
Andhra Pradesh Pollution Control Board,
Regional Office Nellore

Date: 05.11.2021
Place: Nellore

Report of the Joint Committee in the matter of OA No. 105/2021 (SZ)

**INTERIM REPORT OF THE JOINT COMMITTEE IN THE MATTER OF O.A. NO.
105 of 2021 SUBMITTED TO HON'BLE NATIONAL GREEN TRIBUNAL, SOUTH
ZONE, CHENNAI IN COMPLIANCE TO HON'BLE NGT ORDER DATED 16th
SEPTEMBER, 2021**

SUBMITTED TO

**HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI**

October, 2021

Report of the Joint Committee in the matter of OA No. 105/2021 (SZ)

I. Preamble

Sri Y. Srinivasulu Reddy & Sri Y. Sasidhar Reddy of Nelatur village, Muthukur (M), SPSR Nellore district filed O.A.105 of 2021 before the Hon'ble National Green Tribunal on the pollution problems arising from the thermal power plants. In the Original application no.105 of 2021, M/s. Sri Damodaram Sanjeevaiah Thermal Power Station, Nelatur & Pynampuram Villages, Muthukur Mandal, SPSR Nellore District and M/s. Thermal Powertech India Pvt Ltd, presently operating in the name & style of M/s. Sembcorp Energy India Limited (Project-1), Pynapuram (V), Muthukur (M), SPSR Nellore District are the respondents. The Hon'ble NGT has sought report from the committee on the above industries.

II.Ordersof the Hon'ble Tribunal dated 16.09.2021

The Hon'ble Tribunal in O. A No. 105 of 2021, vide order dated 16.09.2021constituted a joint committee and directed as follows:

“12. In order to ascertain the genuineness of the allegations made in the application and also the alleged violations and pollutions if any caused, which said to have been resulted in the alleged economic loss for the applicants, we feel it appropriate to appoint a joint committee consisting of (1) The District Collector, Nellore District, (2) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF& CC), Integrated Regional Office, Vijayawada, (3) a Senior Officer from the Central Pollution Control Board (CPCB), Regional Office, Chennai (3) a Senior Officer/Scientist from the Acharya N.G. Ranga Agricultural University (ANGRAU), Andhra Pradesh, (4) a Senior Officer from Andhra Pradesh Pollution Control Board (APPCB) as deputed by its Chairman to inspect the units in question and submit a factual as well as taken report if there is any violation found.

13. The committee is directed to ascertain:

- i) Whether the respondents 8 and 9 are having requisites permissions/clearance are having for running their units,*
- ii) Whether any violations were committed by the respondents 8 and 9 against the conditions imposed in the consents/ Clearance granted.*
- iii) Whether there was any pollution caused on account of the operation of the respondents 8 and 9 units.*

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- iv) *Whether any environmental damage including soil as well as the water has been caused on account of the operation of the respondents 8 and 9 units, if so what is the nature of damage caused and the remedial measures to be taken for restoring the damage caused to the environment,*
- v) *Whether any loss of soil fertility resulting in reduction of the agricultural income has been caused to the applicants on account of the any alleged pollution said to have been caused by the respondents 8 and 9 units and if so, what is the quantum of compensation to which they are entitled for,*
- vi) *Suggest the ways and means if there is any pollution found, to avoid the same in future to be carried out by the respondents 8 and 9.*
- vii) *Whether there is any deficiency in the pollution control mechanism provided by the respondents 8 and 9 and if so, what is the nature of modification or up-gradation required for mitigating the alleged pollution if any caused, on account of their operation*

14. The Andhra Pradesh Pollution Control Board (APPCB) will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.”

A copy of the Hon’ble NGT order is enclosed as **Annexure-I**.

In compliance to Hon’ble NGT order, APPCB as Nodal agency constituted a committee comprising of following members:

1. Smt. H D Varalaxmi, Regional Director- Chennai, Central Pollution Control Board.
2. Dr. Suresh Babu Pasupuleti, Scientist –D, Integrated Regional Office (IRO), Ministry of Environment, Forest and Climate Change, Vijayawada
3. Sri D Hussain Sahib, Revenue Divisional Officer & Divisional Magistrate, Nellore
4. Dr. V. Sailaja, Principal Scientist (Soil Science), ANGRAU, RARS,LAM, Guntur.
5. Sri Ch. Rajasekhar, Environmental Engineer, Regional Officer, Nellore, Andhra Pradesh Pollution Control Board.

III. Scope of Committee:

The Committee has been vested with the mandate to visit and inspect the site in - question and vested with following scope as per the Order dated 16.09.2021:

1. To verify whether the respondent units are having requisites permissions/clearances.
2. To verify whether any violations were committed by the units against the conditions imposed in the consents/ Clearance granted.
3. To verify whether there was any pollution caused on account of the operation of the respondent units.
4. To verify whether any environmental damage including soil as well as the water has been caused on account of the operation of the respondent units, if so what is the nature of damage caused and the remedial measures to be taken for restoring the damage caused to the environment,
5. To verify whether any loss of soil fertility resulting in reduction of the agricultural income has been caused to the applicants on account of the any alleged pollution said to have been caused by the respondent units and if so, what is the quantum of compensation to which they are entitled for,
6. To suggest the ways and means if there is any pollution found, to avoid the same in future to be carried out by the respondents units.
7. To verify whether there is any deficiency in the pollution control mechanism provided by the respondents units and if so, what is the nature of modification or up-gradation required for mitigating the alleged pollution if any caused, on account of their operation.

IV. Meeting and Site Visit by the Committee:

The Regional officer, APPCB convened a committee meeting on 04.10.2021 through video conference and briefed about the mandate of the committee as well as introduction about respondent units i.e. M/s. Sri Damodaram Sanjeevaiah Thermal Power Station, and M/s. Sembcorp Energy India Limited – Project 1 (Formerly M/s. Thermal Powertech India Pvt Ltd.).The committee discussed in detail and concluded to visit two units during October 21-22, 2021 and also decided to monitor Source emissions, sources of effluents generated/treated & discharged, Ambient Air Quality in 3 locations and soil & ground water monitoring in surrounding villages.

Report of the Joint Committee in the matter of OA No. 105/2021 (SZ)

Subsequently, the committee inspected M/s. Sri Damodaram Sanjeevaiah Thermal Power Station on 21.10.2021 and M/s. Sembcorp Energy India Limited (Project-1) on 22.10.2021 and interacted with its management.

During inspection, stack emissions of the 3 boilers were monitored, Ambient air quality monitoring was conducted in the nearby villages (3 locations), water samples were collected at various sources of the units and water bodies, collected samples of coal, bottom ash, fly ash soil samples from agricultural land and ground water to ascertain the compliance status of the units and pollution problems to the surroundings. The analysis of the samples is under progress.

Prayer:

It is most respectfully submitted, that the committee has completed the field visit and sample collections, the analysis of samples is under progress in APPCB & Acharya N.G. Ranga Agricultural University laboratories. The compilation and interpretation based on the report of analysis has to be prepared by the committee. Hence it is humbly prayed that time period of 8 weeks may kindly be given to this committee to submit a detailed report to Hon'ble NGT, Southern Zone, Chennai.

Signature of Committee Members:



H D Varalaxmi
Regional Director- Chennai,
Central Pollution Control Board



Dr. Suresh Babu Pasupuleti, Sc. D
Integrated Regional Office (IRO),
Ministry of Environment, Forest and
Climate Change, Vijayawada



D Hussain Sahib
Revenue Divisional Officer &
Divisional Magistrate, Nellore



Dr. V. Sailaja, Principal Scientist
(Soil Science), ANGRAU,
RARS, LAM, Guntur.



Ch. Rajasekhar,
Environmental Engineer,
Regional Officer, Nellore,
Andhra Pradesh Pollution Control Board

Item No.03:

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 105 of 2021 (SZ) &I.A. No. 77 of 2021 (SZ)(Through Video Conference)

IN THE MATTER OF:

Yanathi Srinivasulu Reddy,
Muthukur Mandal,
Nellore and another

...Applicant(s)

Versus जयतेThe Chief Secretary,
Govt. of Andhra Pradesh,
Amaravathi and others.

....Respondent(s)

Date of hearing: 16.09.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): M/s. Rayasam N. Suneetha

For Respondent(s): Smt. Maduri Donti Reddy for R1, R5 to R8
 Mrs. Sumathi for R2
 Ms. N. Nathami for R3
 Mr. A. R. Sakthivel for R4
 Mr. J.S. Bindra for R9

ORDER

1. The above application has been posted to today for consideration of I.A. No. 77 of 2021 (SZ) after getting the reply statement filed by the

District Collector, Nellore District regarding the income of the applicant and their capacity to pay the Court fee.

2. **I.A. No. 77 of 2021 (SZ)** was filed by the applicants under Rule 12, National Green Tribunal (Practice and Procedure) Rules, 2011 seeking exemption of Court fee for the compensation amount claimed. They stated that they are agriculturists and they are not able to raise the fund and pay the requisite Court fee. They have produced the Agricultural Income Certificate issued by the Revenue Department showing that they are having the annual income of Rs. 85,000/- (Rupees Eighty Five Thousand Only) and Rs. 95,000/- (Rupees Ninety Five Thousand Only) respectively. We have asked for a report from the District Collector, Nellore District regarding their actual income and the District Collector had filed a report in the form of a counter affidavit stating that the 1st applicant is having a land Ac. 21.98 cents of Agricultural Land in Nelaturu, Pynampuram and Pidathapoluru Village including a house at Nelaturu and getting an annual income of Rs. 7,34,000/- (Rupees Seven Lakhs Thirty Four Thousand Only) and 2nd applicant is having Ac. 9.70 cents and getting a total income of Rs. 2,00,000/- (Two Lakhs Only) per month and will not come under the Below Poverty Line (BPL) category.

3. It may be mentioned here, that considering the amount claimed, the Court fee will be payable much more than Rs. 2,00,000 (Rupees Two

Lakhs) and Rs. 3,00,000/- (Rupees Three Lakhs) respectively and even assuming that the Income Certificate produced by the applicant is not correct, the income mentioned by the District Collector also cannot be sufficient for raising the necessary amount for paying the Court fee as they will have to meet their both ends with their income that they are getting from the property. Even though they are not falling under the Below Poverty Line category, if they are not able to raise the necessary funds for payment of the Court fee, then they are entitled to get the benefit under Rule, 12 as this Tribunal can apply the principles laid down for granting permission to the persons to sue as indigent persons as contemplated under order 33, Rule 1 of, Civil Procedure Code. Though the Code of Civil Procedure is not as such applicable, a reading of the rule will go to show that the principles therein will apply for this purpose. Further under Rule 12, National Green Tribunal (Practice and Procedure) Rules, 2011 it only postponement of the amount of the Court fee, and not granting any permanent exemption from the payment of the Court fee. Ultimately if the applicants are entitled for any compensation, the amount of Court fee payable can be deducted from the same and that can be adjusted.

4. There is no allegations made in the application or in the counter statement that they are funded by somebody else for the purpose of conducting litigation as well. So under such circumstances we are

satisfied that the applicants are entitled for the relief as provided under Rule 12, National Green Tribunal (Practice and Procedure) Rules, 2011 of getting postponement of the payment of Court fee till the disposal of the application. So the application is allowed and the applicants are permitted to file the application without paying the requisite Court fee for the compensation amount claimed. But the same will be deducted from the amount of compensation if any awarded later, if they are found eligible, as provided under Rule 12, National Green Tribunal (Practice and Procedure) Rules, 2011 and submit to further orders to be passed at the time of disposal of this case at that time.

5. With the above observations and directions, ***I.A. No. 77 of 2021 (SZ)*** is allowed and disposed of.
6. Since I.A. No. 77 of 2021 (SZ) were allowed, and the applicants were permitted to file the application without payment of necessary Court fee at present, the Original Application No. 105 of 2021 (SZ) has to be considered as indigent application, with liberty to realise the necessary Court fee later, if the applicants were entitled to get any compensation and that amount will have to be deducted from the compensation awarded and adjusted towards the requisite Court fee to be payable and other further orders to be passed by this Tribunal later.

7. The grievance in this application is regarding the pollution caused on account of the operation of respondents 8 and 9 units resulting in large scale damage caused to the agricultural lands, thereby causing loss of income.
8. On going through the allegations made in the application, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same. So, the application is admitted.
9. Since the counsels who entered appearance in I.A. No. 77 of 2021 (SZ) proposed to appear in the Original Application as well, further notice in the original application is dispensed with. Service complete in the original application.
10. The counsel for the 9th respondent submitted that they have not received the copy of the application. The counsel for the applicant is directed to serve a copy of the Original Application for the counsel appearing for the 9th respondent by e-mail immediately within 3 days at any rate.
11. The respondents are directed to file their counter statement before the next hearing date.
12. In order to ascertain the genuineness of the allegations made in the application and also the alleged violations and pollutions if any caused, which said to have been resulted in the alleged economic loss for the

applicants, we feel it appropriate to appoint a joint committee consisting of (1) The District Collector, Nellore District, (2) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC), Integrated Regional Office, Vijayawada, (3) a Senior Officer from the Central Pollution Control Board (CPCB), Regional Office, Chennai (3) a Senior Officer/Scientist from the Acharya N.G. Ranga Agricultural University (ANGRAU), Andhra Pradesh, (4) a Senior Officer from Andhra Pradesh Pollution Control Board (APPCB) as deputed by its Chairman to inspect the units in question and submit a factual as well as taken report if there is any violation found.

13. The committee is directed to ascertain:-

- i) Whether the respondents 8 and 9 are having requisite permissions/clearance are having for running their units,
- ii) Whether any violations were committed by the respondents 8 and 9 against the conditions imposed in the consent/clearance granted,
- iii) Whether there was any pollution caused on account of the operation of the respondents 8 and 9 units.
- iv) Whether any environmental damage including soil as well as the water has been caused on account of the operation of the respondents 8 and 9 units, if so what is the nature of damage

caused and the remedial measures to be taken for restoring the damage caused to the environment,

- v) Whether any loss of soil fertility resulting in reduction of the agricultural income has been caused to the applicants on account of the any alleged pollution said to have been caused by the respondents 8 and 9 units and if so, what is the quantum of compensation to which they are entitled for,
- vi) Suggest the ways and means if there is any pollution found, to avoid the same in future to be carried out by the respondents 8 and 9,
- vii) Whether there is any deficiency in the pollution control mechanism provided by the respondents 8 and 9 and if so, what is the nature of modification or up gradation required for mitigating the alleged pollution if any caused, on account of their operation.

14. The Andhra Pradesh Pollution Control Board (APPCB) will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.

15. The applicant is also directed to submit a set of papers to the members of the committee within a week, so as to avoid delay in submitting the report.

16. The committee is directed to submit the report to this Tribunal on or before **09.11.2021**, by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.
17. The Registry is directed to communicate this order to the members of the committee as well as the official respondents along with the copy of the application immediately through e-mail, so as to enable them to comply with the direction.
18. For appearance of parties, for completion of pleadings and also for consideration of report, post on **09.11.2021**.

Sd/--

.....J.M.
(Justice K. Ramakrishnan)

Sd/--

.....E.M.
(Dr. K. Satyagopal)

O. A. No.105/2021, (SZ) &
I.A. No. 77/2021 (SZ)
16.09.2021 Sr.