

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE  
BENCH AT CHENNAI**

**ORIGINAL APPLICATION No.106 of 2023**

**K SRINIVASULU & ORS**

...Applicants

Versus

**STATE OF ANDHRA PRADESH**

and 13others

...Respondent

**REPORT FILED BY THE 5<sup>TH</sup> RESPONDENT APPCB**

**DATE -12-10-2023**



**M/S MADHURI DONTI REDDY  
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH  
A.P. POLLUTION CONTROL BOARD**

#26,S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.  
Mobile: 98407 98460 / 63831 21322, Email: [reddymadhuri09@gmail.com](mailto:reddymadhuri09@gmail.com)

**Counsel for 5<sup>th</sup> Respondent**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
ORIGINAL APPLICATION NO. 106 OF 2023 (SZ)**

Action taken report of APPCB in compliance with Hon'ble NGT Order dt. 06.09.2023 in O.A. No. 106 of 2023 (SZ) filed by Sri K.Srinivasulu & Others resident of Kondasamudram (V), Gudupalli (M), Chittoor District on Granite mining units operated in and around Kotamakanapalli (V), Gudupalli (M), Chittoor District.

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**Andhra Pradesh Pollution Control Board,  
Regional Office : Tirupati**

Date. 11.10.2023

**Action taken report of the APPCB in compliance with Hon'ble NGT Order dt. 06.09.2023 in O.A. No. 106 of 2023 (SZ) filed by Sri K.Srinivasulu & Others resident of Kondasamudram (V), Gudupalli (M), Chittoor District on Granite mining units operated in and around Kotamakanapalli (V), Gudupalli (M), Chittoor District.**

It is submitted that, Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai has quoted the following while issuing an order on 06.09.2023 on O.A. No. 106 of 2023 (SZ) at Para No. 04 filed by Sri K.Srinivasulu & Others resident of Kondasamudram (V), Gudupalli (M) Chittoor District on operation of granite mining units in and around Kotamakanapalli (V), Gudupalli (M), Chittoor District. Copy of the order is herewith enclosed as **Annexure - II.**

*"4. Hence, the APPCB is directed to assess the period for which the 7th Respondent was operating without such approval and dumping the overburden out of the mine lease area and appropriately compute the leviable environmental compensation and file a report."*

It is further submitted that, in obedience to the Hon'ble NGT Order dt. 06.09.2023, the Environmental Engineer, AP Pollution Control Board has submitted a report to the Head office, AP Pollution Control Board on 08.09.2023 with the details of environmental compensation to be levied against M/s. Rathna Mineral Enterprises, 4.810 Ha, Sy.No. 132, 133, 134, 135 of Kotamakanapalli (V), Gudupalli (M), Chittoor District for dumping the overburden outside the mine lease area.

Subsequently, AP Pollution Control Board, Head office, Vijayawada has issued Show cause notice to M/s. Rathna Mineral Enterprises, 4.810 Ha, Sy.No. 132, 133, 134, 135 of Kotamakanapalli (V), Gudupalli (M), Chittoor District vide order No. 738/APPCB/HO/ECS/TPT/2023-, Dt. 20.09.2023 for payment of Environmental Compensation of Rs. 4,30,000/-. Copy of the Show cause notice is herewith enclosed as **Annexure - III.**

In this connection, M/s. Rathna Mineral Enterprises have paid Environmental Compensation of Rs. 4,30,000/- in the form of DD drawn in favour of Member Secretary, AP Pollution Control Board vide DD No. 986025, Dt. 22.09.2023. Copy of the letter submitted by M/s. Rathna Mineral Enterprises along with DD details are herewith enclosed as **Annexure - IV.**

It's also submitted that, this office has submitted a report to Head office, Vijayawada on the details of the Environmental Compensation paid by M/s. Rathna Mineral Enterprises. Copy enclosed as **Annexure - V.**

This report is submitted to the Hon'ble NGT in due compliance of the Hon'ble NGT Order dt. 06.09.2023 in O.A. No. 106 of 2023 (SZ). The APPCB will abide by all such directions as this Hon'ble tribunal may deem fit and appropriate.

**Date:** 11.10.2023

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**ENVIRONMENTAL ENGINEER**  
AP Pollution Control Board,  
Regional office, Tirupati.

# ANNEXURE-II

Item No.15:-

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Original Application No.106 of 2023 (SZ)

IN THE MATTER OF

K. Srinivasulu  
Chittoor District, Andhra Pradesh.

...Applicant(s)

*Versus*

State of Andhra Pradesh  
Rep. by its Chief Secretary,  
Andhra Pradesh and Ors.

....Respondent(s)

Date of hearing: 06.09.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1, R2, R5 & R6.  
Mrs. AL. Gandhimathi for R7 to R14.

ORDER

1. Today, the learned Government Pleader stated that the units of Respondents No.7 to 14 were inspected and appropriate environmental compensations were collected. However, for the 7<sup>th</sup> Respondent (M/s. Rathna Mineral Enterprises), it is stated there was no violation noted by them and hence, no Environmental Compensation was levied.
2. But on going through the report of the Andhra Pradesh Pollution Control Board (APPCB) dated 15.05.2023, it has been specifically observed that *"Overburden is being done out of the mine lease area. Approval regarding the dumping of the overburden out of the mine lease is not available"*. It was immediately rectified by the unit holder and taken back the same to the earmarked mine lease area. Hence, the Environmental Compensation was not levied on M/s. Rathna Mineral Enterprises (Respondent No.7).
3. When the APPCB had specifically observed that there was no approval for dumping the overburden out of the mine lease area, it was a violation and the APPCB had not levied any compensation for the said violation.
4. Hence, the APPCB is directed to assess the period for which the 7<sup>th</sup> Respondent was operating without such approval and dumping the overburden out of the mine lease area and appropriately compute the leviable environmental compensation and file a report.

5. Though the entire pleadings are ready, considering the volume of papers, the learned counsels are directed to compile them in a tabular column and furnish the same.
6. Let the reports of the Joint Committee, Department of Mines and Geology and Andhra Pradesh Pollution Control Board for each of the respondents be compiled and furnished.
7. Post the matter on 15.09.2023 for final hearing.

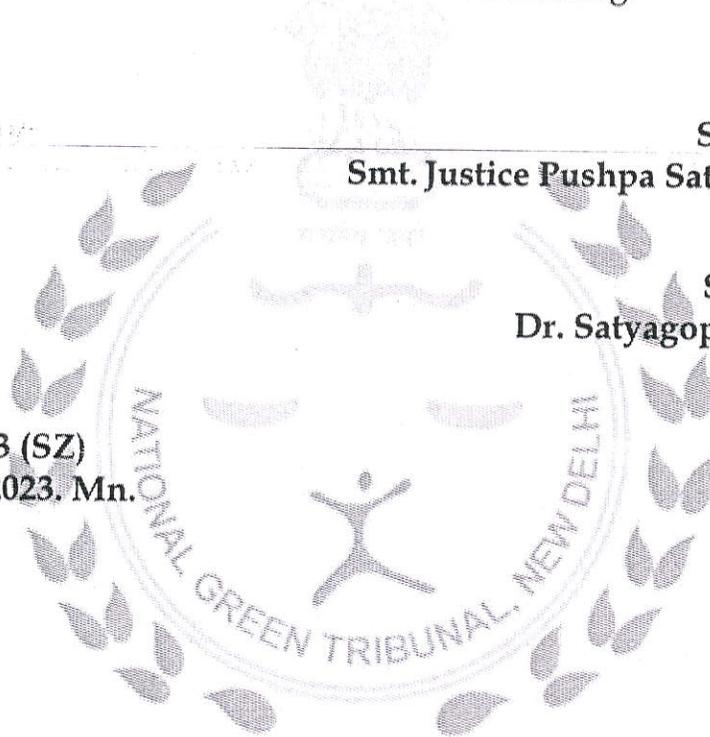
Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O. A. No.106/2023 (SZ)  
06<sup>th</sup> September, 2023. Mn.



## ANNEXURE - III

Page No. 5



ANDHRA PRADESH POLLUTION CONTROL BOARD  
Dr. YSR Paryavaran Bhavan, APIIC Colony Road,  
Gurunanak Colony, Autonagar, Vijayawada- 520007  
Phone. No.0866-2463200, Website: <https://pcb.ap.gov.in/>

Order No. 738/APPCB/HO/ECS/TPT/2023-Date: 20/09/2023SHOW CAUSE NOTICE

**Sub:**APPCB – HO – ECS - M/s. Ratna Mineral Enterprises (Black Granite mine – 4.810 Ha), Sy.No.132, 133, 134 & 135, Kotamakanapalli (V), Gudupalli (M), Chittoor District – Before the Original Application No.271/2022 Hon'ble NGT order dt. 20.07.2022 - Stop production Order issued by the Board on 23.11.2022 - Inspection of your mining unit on 11.04.2023 – Hon'ble NGT order dt. 06.09.2023 - Non-compliance - **Levy of Environmental Compensation - Show Cause Notice - Issued – Reg.**

- Ref:**
1. CFO order dt. 12.09.2017 valid up to 31.12.2022.
  2. The Hon'ble NGT, Principle bench, New Delhi order dt.27.04.2022 and 20.07.2022 in O.A No 271/2022.
  3. Joint Inspection conducted at mining units area on 22.06.2022.
  4. Show cause notice issued by RO, Tirupati on 27.08.2022.
  5. Your reply dated 21.09.2022.
  6. Inspection of your mine on 04.10.2022.
  7. External Advisory Committee (Task Force) meeting held on 09.11.2022.
  8. Stop production Orders issued by the Board vide order No. 738/APPCB/HO/UH-II/TF/TPT/2022-656, dt. 23.11.2022
  9. The Hon'ble NGT (PB) New Delhi order dt. 06.09.2023 in O.A No 271/2022
  - 10.RO, Tirupati Lr. No. NGT-271/2022/APPCB/RO/TPT/2023-1528, dt. 08.09.2023, received on 13.09.2023

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**WHEREAS** you are operating a granite mining unit in the name & style of M/s. Ratna Mineral Enterprises (Black Granite mine – 4.810 Ha), located at Sy.No.132, 133, 134 & 135, Kotamakanapalli (V), Gudupalli (M), Chittoor District.

**WHEREAS** you have obtained Environmental Clearance in favour of M/s. Ratna Mineral Enterprises to operate Black Granite mine in an extent of 4.810 Ha located at Sy.No.132, 133, 134 & 135, Kotamakanapalli (V), Gudupalli (M), Chittoor District.

**WHEREAS** the Board vide ref. 1<sup>st</sup> cited, issued CTO to operate Black Granite mine in an extent of 4.810 Ha located at Sy.No.132, 133, 134 & 135, Kotamakanapalli (V), Gudupalli (M), Chittoor District and the same was expired by 31.12.2022.

**WHEREAS** Sri. K Srinivasulu and other residents of village Kondasamudram and surrounding villages Gudupalli Mandal, Chittoor, Andhra Pradesh made a compliant in the Hon'ble National Green Tribunal (NGT) Principal Bench, New Delhi against granite quarry mining operations carried out in the area, which was registered as O.A. No. 271/2022.

**WHEREAS** the Hon'ble NGT, Principle bench, New Delhi by order Dt.27.04.2022 constituted a Joint Committee comprising representatives of MoEF & CC, CPCB, SEIAA, APPCB and District Collector. The Joint Committee conducted inspection of mine areas on 22.06.2022 and submitted a report to Hon'ble NGT on 16.07.2022.

WHEREAS the Hon'ble NGT, Principle bench, New Delhi after going through the joint committee inspection report has made the following order on 20.07.2022 -

*"The State PCB and SEIAA are also directed to take further remedial action in accordance with law by following due process and also file its further action taken report within two months by e-mail at judicial- ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF".*

WHEREAS the RO, Tirupathi vide ref. 4<sup>th</sup> cited, issued Show cause notice to M/s. Ratna Mineral Enterprises (Black Granite mine – 4.810 Ha) for violations of CFO order Dt. 12.09.2017. In response to the Show cause notice issued, you have submitted reply on 21.09.2022.

WHEREAS the Board officials again inspected your mine operating in the name of M/s. Ratna Mineral Enterprises (Black Granite mine – 4.810 Ha), on 04.10.2022 for verifying the compliance on the show cause notice issued by the Board and reported the following observations -

1. Not developed adequate avenue plantation along the approach road.
2. Over burden is being dumped outside the mine lease area.
3. Not submitted details of funds earmarked for environmental protection measures.
4. Not submitted water & air quality monitoring reports.
5. Not furnished occupational health surveillance data.

WHEREAS a hearing was conducted before the External Advisory Committee (Task Force) of A.P. Pollution Control Board in its meeting held on 09.11.2022. The representatives of the industry and the EE, RO, Tirupathi attended the meeting through VC. The committee observed that a show cause notice was issued to the unit for the non-compliance observed, but the unit has not taken required action to comply with the conditions.

WHEREAS the Committee after detailed discussions, recommended to issue stop production to M/s. Ratna Mineral Enterprises (Black Granite mine – 4.810 Ha), Sy.No.132, 133, 134 & 135, Kotamakanapalli (V), Gudupalli (M), Chittoor District as the unit has not developed adequate avenue plantation along the approach road, Over burden is being dumped outside the mine lease area, Not submitted details of funds earmarked for environmental protection measures, not submitted water & air quality monitoring reports, not furnished occupational health surveillance data.

WHEREAS, the Board vide ref. 8<sup>th</sup> cited, issued Stop Production Order to the M/s. Ratna Mineral Enterprises (Black Granite mine – 4.810 Ha) located at Sy.No.132, 133, 134 & 135, Kotamakanapalli (V), Gudupalli (M), Chittoor District under Sec.33 (A) of Water (Prevention and Control of Pollution) Act, 1974 and under Sec.31 (A) of Air (Prevention & Control of Pollution) Act, 1981 for non-compliance of consent conditions / Board directions.

WHEREAS the Board officials inspected your mine on 02.01.2023 and reported the following status –

S.No.	Condition	Compliance
1.	Not developed adequate avenue plantation along the approach road.	Complied. The mining unit has planted and developing saplings all along the approach road in addition to the existing green belt to meet the required green belt as per norms.

2.	Over burden is being dumped outside the mine lease area.	Earlier, the mining project was storing the over burden outside the mine lease area due to un-availability of plain land and geography of the lease area. Presently, the mining project is storing the over burden inside the mine lease area and also the mining project have also applied for additional land abutting to the mine lease area for dumping over burden and the mining unit has obtained NOC from Revenue Department and same is pending for grant with Director of Mines & Geology (DM & G).
3.	Not submitted details of funds earmarked for environmental protection measures.	Complied The details furnished by the mining unit on funds about Rs.2.60 Lakhs earmarked for environmental protection furnished by the mining unit.
4.	Not submitted water & air quality monitoring reports.	3 <sup>rd</sup> party analysis reports conducted by M/s. Star Analytical Services.
5.	Not furnished occupational health surveillance data.	Complied. Medical examination reports of the employees are here with enclosed which were carried out as part of occupational health surveillance data.

**WHEREAS**, the EE, RO, Tirupati submitted the status report to Hon'ble NGT, Principal Bench, New Delhi on 17.01.2023. The Hon'ble NGT, Principal Bench, New Delhi issued the following order dt. 20.03.2023 the operating part of the directions is read as follows:

*"Respondent No.2 (Principal Secretary, Department of Mines & Geology, Govt. of Andhra Pradesh) & Respondent No. 5 (A.P. Pollution Control Board) are directed to take appropriate remedial action and filed Action taken report -with requisite details, apart from there replies / responses within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)".*

**WHEREAS**, the Board officials of RO, Tirupati again inspected M/s. Ratna Mineral Enterprises (Black Granite mine –4.810 Ha), Sy.No.132, 133, 134 & 135, Kotamakanapalli (V), Gudupalli (M), Chittoor District on 11.04.2023 and observed that the mining unit is yet to comply with Board directions and the unit is not in operation.

**WHEREAS**, the EE, RO, Tirupati vide ref. 10<sup>th</sup> cited recommended to levy environmental compensation on M/s. Ratna Mineral Enterprises (Black Granite mine – 4.810 Ha), Sy.No.132, 133, 134 & 135, Kotamakanapalli (V), Gudupalli (M), Chittoor District duly computing the EC as per the CPCB prescribed methodology, for operating the mine for a period of 86 days in violation of consent conditions / Board directions as follows -

$$\text{Environmental Compensation (EC)} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

Sl. No	Date of Compliance to the Direction	Pollution Index (PI)	Scale of Operation (S)	Location Factor (LF)	Factor in Rupees (Rs.)	Number of days of Violation (N)	Environmental Compensation (EC)
1	22.06.2022	80	0.5	1	125	86	Rs.4,30,000/-

**Note:** No of violation days were taken into consideration between the period from the issuance of Show Cause Notice i.e., from 27.08.2022 to issuance of Stop production order i.e, on 23.11.2022.

In view of above, you are hereby directed to **show cause to why the Board shall not levy environmental compensation for Rs.4,30,000/-** (Rupees Four Lakhs and Thirty

thousand only) on occupier of M/s. Ratna Mineral Enterprises (Black Granite mine – 4.810 Ha), Sy.No.132, 133, 134 & 135, Kotamakanapalli (V), Gudupalli (M), Chittoor District.

Further, you are directed rectify the non-compliance observed by the Board officials during inspection of your mine as mentioned above and shall furnish reply to the Show Cause Notice **within 15 days** from the date of issue of this notice, failing which necessary orders will be issued to levy the environmental compensation and action will be initiated against your unit under section 33(A) of Water (Prevention & Control of Pollution) 1974 and under section 31(A) of Air (Prevention & Control of Pollution) Act, 1981 and amendments thereof, in the interest of safe guarding public health and Environment, without further notice.

**B Sreedhar las**  
**MEMBER SECRETARY**

To  
The Occupier,  
M/s. Ratna Mineral Enterprises (Black  
Granite mine – 4.810 Ha),  
Sy.No.132, 133, 134 & 135,  
Kotamakanapalli (V), Gudupalli (M),  
Chittoor District.

Copy to:  
The JCEE, APPCB, ZO, Kurnool for information and necessary action.  
The EE, APPCB, RO, Tirupati for information and necessary action.  
The Dy. Director, Mines & Geology Dept, Chittoor for information and necessary action.



# RATHNA MINERAL ENTERPRISES

Quarry Owners, Processors & Exporters All Kinds of Rough Granites Blocks & Monuments

46/1, Gundlasagaram Road, KUPPAM - 517425 Chittoor District (A.P) INDIA, Phone : 08570-25572

Date: 25.09.2023

To,  
The Member Secretary,  
A.P. Pollution Control Board,  
Paryavaran Bhavan, Head Office, Opp.  
JAMAC Housing Complex, APIIC Colony,  
Gurunanak Colony, Vijayawada-520007, (AP).

Respected Sir,

Sub: OA No. 271 of 2022 filed at Hon'ble NGT Principal bench, New Delhi - M/s. Rathna Mineral Enterprises, (Black Granite Mine - 4.810 Ha), Sy No. 132, 133, 134 & 135 of Kotamakanapalli Village, Gudupalli Mandal, Chittoor District - Show Cause notice issued by the Board on 11.05.2023 - Compliance report submitted - Reg.

Ref: Show Cause Notice No. 738/APPCB/HO/ECS/TPT/2023 Dt. 20.09.2023.

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We humbly submit that with reference to the 1<sup>st</sup> cited above, our compliance status on the directions issued by the Board while serving the Stop production order Dt. 23.11.2022 was reviewed in the Task force committee meeting held at Head Office, AP Pollution Control Board, Vijayawada on 09.11.2022.

It is also submit that, Board has issued Show Cause notice to our mining project for complying the directions issued by the Board and also furnish the reply within 15 days and further levied environmental Compensation of Rs. 4,30,000/-

In this connection, we assured to complete the remaining non compliance and also submitting Environmental Compensation of Rs. 4,30,000/- bearing DD No. 986025 Dt.22.09.2023.

In light of the above, it is requested to kind authorities to drop any further action against our mining project and we will maintain all the norms stipulated by the Board.

Submitted for favour of orders.

Yours faithfully,



For Rathna Mineral Enterprises

Encl:

01. DD No. 986025 Dt. 22.09.2023 for Rs. 4,30,000/-

**PARTNER**

Copy submitted to the Environmental Engineer, Regional office, Tirupati for favour of information.



ANDHRA PRADESH POLLUTION CONTROL BOARD  
REGIONAL OFFICE : TIRUPATI  
1<sup>st</sup> floor, APSFC Building, N.T.Road, Tirupathi - 517 501.  
Phone: 0877-2253981, email: [rotpt-ee1@appcb.gov.in](mailto:rotpt-ee1@appcb.gov.in)



Lr.No. NGT-271/2022/APPCB/RO/TPT/2023-1700

Dt.10.10.2023

To

The Member Secretary,  
A.P. Pollution Control Board,  
Board office, Vijayawada.

Sir,

**Sub:** APPCB-RO-TPT - M/s. Ratna Mineral Enterprises, 4.810 Ha, Sy.No. 132, 133, 134, 135 of Kotamakanapalli (V), Gudupalli (M), Chittoor District - Environmental Compensation paid the mining unit - Report submitted - Reg

**Ref:** 1. Show cause Notice No.738/APPCB/HO/ECS/TPT/2023-, Dt.20.09.2023.  
2. The mining units reply to show cause notice along with EC received on 04.10.2023.

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With reference to the 1<sup>st</sup> cited above, Board issued show cause notice to M/s. Ratna Mineral Enterprises, 4.810 Ha, Sy.No. 132, 133, 134, 135 of Kotamakanapalli (V), Gudupalli (M), Chittoor District on non-compliance and Levied Environmental Compensation Rs.4,30,000/-

Vide reference 2<sup>nd</sup> cited the mining unit submitted the compliance report along with Environmental Compensation of an amount Rs.4,30,000/- through DD No.986025, Dt.22.09.2023 at Board Office, Vijayawada and a copy of the same is submitted at Regional Office, Tirupati.

This is submitted for favour of information.

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ENVIRONMENTAL ENGINEER

Copy submitted to JCEE (Unit-3), Board Office, Vijayawada for favour of information and necessary action.