

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

**ORIGINAL APPLICATION No. 115 OF 2023**

**IN THE MATTER OF:**

Abhilash,  
R/o.Khammam District.

....

Applicant

Versus

State of Telangana & Ors

....

Respondent(s)

**REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD (R4)**

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**Place: Hyderabad.**

**Date: 11-12-2023.**

*T. Jayashankar*

Counsel for 4th Respondent



**REPORT OF THE ENVIRONMENTAL ENGINEER, TELANGANA STATE POLLUTION CONTROL BOARD (TSPCB), REGIONAL OFFICE, KOTHAGUDEM (RESPONDENT No. 4) DATED 11.12.2023 IN OA No. 115 of 2023.**

It is to submit that the Hon'ble NGT, Principal Bench registered the application in O.A No 368 of 2022 based on a complaint received by post from Mr. Abhilash Chowdary of Garlavoddu Village, Enkoor Zone, Khammam, District Telangana.

The Joint Committee constituted by the Hon'ble NGT, Principal Bench, New Delhi submitted its report to the Hon'ble NGT on 31.10.2022. Further the Respondent Board submitted reports to the Hon'ble NGT, New Delhi on 03.05.2023 and 11.07.2023.

The Hon'ble NGT, New Delhi vide order dated 07.07.2023 transferred the case to the Hon'ble NGT, Chennai.

The Respondent Board further submitted report dated 01.11.2023 to the Hon'ble NGT, Chennai. The Hon'ble NGT, Chennai has taken on record the Report filed by the Border during the hearing held on 03.11.2023 and directed the Respondent Board to submit additional report.

**In this regard, the following is submitted:**

**M/s Sri Jai Santhoshi Narasimha Stone Crusher, Garlavaddu (V), Enkoor (M), Khammam District (locally known as M/s Sri Lakshmi Narasimha Stone Crusher):**

1. M/s. Sri Jai Santhoshi Narasimha Stone Crusher is a stone crushing unit located in Garlavaddu (V), Enkoor (M), Khammam District and produces Stone Aggregates to the tune of 500 TPD.

2. The Board has issued closure orders to the stone crusher vide order dated 14.11.2022 as the crusher was operating without valid CFO of the Board.
3. Further, the industry has obtained CFO renewal of the Board vide order dated 08.03.2023 which is validity upto 28.02.2032.
4. The Board issued temporary revocation of closure orders for a period of 6 months to the stone crusher vide order dated 28.03.2023 for periodical monitoring of the industry.
5. Subsequently, the Board has issued extended temporary revocation of closure orders dated 10.10.2023 for a period of 6 months i.e., upto 09.04.2024.
6. The respondent Board has issued Show Cause Notice dated 11.10.2023 regarding levy of Environmental Compensation for the stone crusher for past violations.
7. The industry was reviewed before Task Force Committee of the Board. Based on the recommendations of the Task Force Committee, an amount of Rs.7,65,000/- is imposed as Environmental Compensation on the Stone crusher vide order dated 08.12.2023 and directed the industry to remit the amount of Rs.7,65,000/-. Copy of the order is enclosed as **Annexure – I**.

**M/s Manupati Jaya Simha (1.0 Ha. – Building Stone & Road Metal Mine) located in Sy. No. 200/TA, Jannaram (V), Enkoor (M), Khammam District:**

1. The Board has issued Closure Orders to the mine vide order dated 28.11.2022 for operating the mine without obtaining EC and CFE & CFO of the Board.
2. Further, the mine has obtained Environmental Clearance (EC) from State Environmental Impact Assessment Authority (SEIAA), Telangana and also obtained CFE and CFO of the Board.

3. The quarry mine has obtained renewal of mine lease order from the Deputy Director, Mines and Geology Department, Warangal, Govt. of Telangana vide Proceedings No: R/KHM/0050 dated 20.03.2023, for valid period upto 20 years w.e.f. 20.08.2019.
4. The Board issued revocation of Closure Order vide order dated 28.03.2023.
5. The Respondent Board has issued Show Cause Notice dated 28.10.2023 regarding levy of compensation from the quarry mine.
6. The mine was reviewed before Task Force Committee of the Board. Based on the recommendations of the Task Force Committee, an amount of Rs.28,68,000/- is imposed as Environmental Compensation on the mine vide order dated 04.12.2023 and directed the mine to remit the amount of Rs.28,68,000/-. Copy of the same is enclosed as **Annexure – II.**

The Respondent Board has issued order to the above stone crusher and mine imposing Environmental compensation to be paid within a specified period. The Board will ensure the recovery of the Environmental compensation from the above units.

It is to further submit that the Board will periodically monitor the Stone crusher and Stone quarry mine for compliance of Consent conditions and directions of the Board.

Date: 11.12.2023.

Place: Kothagudem

  
**ENVIRONMENTAL ENGINEER**  
**ENVIRONMENTAL ENGINEER**  
T.S. Pollution Control Board  
Regional Office, KOTHAGUDEM





-4- ANNEXURE -I  
**TELANGANA STATE POLLUTION CONTROL BOARD**  
**ZONAL OFFICE: HYDERABAD**

H.No.6-3-1219, TS No.1 Part, Block - C, Ward No.91,  
Near Country Club, Uma Nagar, Begumpet, Hyderabad.  
Email: [jcee-zhyd-tspcb@telangana.gov.in](mailto:jcee-zhyd-tspcb@telangana.gov.in)

**BY REGD. POST WITH ACK. DUE**

**Order No. 15-KGM/TSPCB/ZO-HYD/TF/2022- 956**

**Date:08.12.2023**

**Sub:** TSPCB, RO-HYD – Hon'ble NGT, Chennai – Original Application No. 115 of 2023 filed by Mr.Abhilash Chowdary of Garlavoddu Village, Enkooor Zone, Khammam, District Telangana - M/s. Sri Jai Santhoshi Narasimha Stone Crusher (Formerly M/s. Sri Lakshmi Narsimha Stone Crusher), Garlavoddu (V), Enkooor (M), Khammam District - Directions issued to deposit the Environmental Compensation – Reg.

- Ref:**
1. TSPCB, RO, Kothagudem notice dated 21.02.2022.
  2. Original Application No. 368 of 2022 filed by Sri Abhilash, Jannaram (V), Enkooor (M), Khammam District on the illegal mining and operation of M/s. Sri Lakshmi Narsimha Stone Crusher etc., in Garlavoddu (V), Enkooor Zone, Khammam District.
  3. Hon'ble NGT, New Delhi orders dated 24.05.2022, 28.07.2022 & 19.09.2022.
  4. TSPCB, RO, Kothagudem Notices dated 04.08.2022 and 10.06.2022.
  5. Inspection of joint committee on 21.10.2022.
  6. Report of the joint inspection committee dated 31.10.2022 submitted to the Hon'ble NGT.
  7. Hon'ble NGT, New Delhi order dated 02.11.2022.
  8. TSPCB, RO, Kothagudem report dated 03.04.2023 submitted to the Legal Section, Board office, Hyderabad.
  9. Hon'ble NGT, New Delhi order dated 02.11.2022.
  10. TSPCB, RO, Kothagudem report dated 06.07.2023 submitted to the Legal Section, Board office, Hyderabad
  11. Hon'ble NGT, New Delhi order dated 07.07.2023.
  12. Inspection by the Board officials on 09.08.2023.
  13. TSPCB, RO, Kothagudem Notice dated 01.09.2023.
  14. Representation of the industry received by this office on 02.09.2023.
  15. Inspection by the Board officials on 15.09.2023.
  16. TSPCB, RO, Kothagudem Reports dated 16.09.2023 & 21.09.2023.
  17. Task Force committee meeting held on 22.09.2023.
  18. TSPCB, RO, Kothagudem report dated 27.09.2023.
  19. Board office mail dated: 27.09.2023.
  20. TSPCB, RO, Kothagudem report dt.04.10.2023.
  21. T.O. Show Cause Cum Hearing Notice No. Gen-HYD/TSPCB/ZO-HYD/Hearing Notice/2023-707, Date:11.10.2023.
  22. The Task Force committee meeting held on 19.10.2023 at Zonal Office, Hyderabad.
  23. Industry's letter dt.19.10.2023.
  24. TSPCB, RO, Kothagudem report dt.25.11.2023 received through mail dt.07.12.2023.

\* \* \*

**WHEREAS**, you are operating a stone crusher in the name of M/s. Sri Jai Santhoshi Narasimha Stone Crusher (Formerly M/s. Sri Lakshmi Narsimha Stone Crusher), Garlavoddu (V), Enkooor (M), Khammam District.

**WHEREAS**, an Original Application No. 115 of 2023 (earlier OA No. 368 of 2022) was filed by Mr.Abhilash Chowdary of Garlavoddu Village, Enkooor Zone, Khammam, District Telangana stating that the hills and forests around the village are being completely destroyed due to operation of stone crushers by some non-tribal's and also illegal mining in and around the village destroying the forest area causing severe air & noise pollution leading to damaging endangered hills and

forests which is adversely affecting the wild animals against M/s Manupati Jaya Simha (1.0 Ha. – Building Stone & Road Metal Mine) located in Sy. No. 200/TA, Jannaram (V), Enkooor (M), Khammam District and M/s. Sri Lakshmi Narsimha Stone Crusher is plying heavy lorries and tractors with 14, 12, 10 tyres from the village thereby damaging the village roads and creating problems to the villagers.

**WHEREAS**, the issue was reviewed before the Task Force Committee meeting held on 22.09.2023 at Head Office. The Task Force committee recommended to levy Compensation and furnish report to Board Office for taking further necessary action.

**WHEREAS**, a show Cause Cum Hearing Notice was issued to your industry vide reference 21<sup>st</sup> cited, as to why the Board shall not levy Environmental Compensation in compliance with the Hon'ble NGT Orders dated 07.07.2023 duly communicating the assessment carried out by the Board and methodology adopted for assessment of Environmental compensation and further directing to file any objections on the assessment of EC and directed to appear for personal hearing before the TF committee.

**WHEREAS**, vide reference 22<sup>nd</sup> cited above, you were given a opportunity of hearing before the Task Force committee at T.S Pollution Control Board, Zonal Office, Hyderabad 19.10.2023 to file any objections on the environmental compensation proposed to be levied. During the meeting, the representative industry has attended the meeting. The committee and the industry representative were informed about the status of the case and methodology adapted for calculation of the environmental compensation. The industry representative informed that before issue of closure orders by the Board on 14.11.2022, the power supply to their industry was disconnected since 01.08.2022 and plant was not in operation. He produced the certificate and minimum bills from the TSNPDCL indicating the minimum charges levied for the period from 01.08.2022 to till restoration of power supply. He informed that a total of 106 days shall be deducted from 259 days taken into consideration for levy of EC till closure orders issued by the Board. He also requested to consider the minimum value as there was no violation with respect to pollution and the violation was only operating the unit without CFO of the Board. The committee after careful examination of the documents, recommended that request of the industry for exempting certain days for calculating EC may be considered subject to verification by the Regional Officer and the EC as per the revised calculation shall be finalized.

**WHEREAS**, the industry vide letter dt.19.10.2023, submitted the request and the related documents.

**WHEREAS**, the EE RO, Kothagudem vide letter dt.25.11.2023 informed that the documents were verified and recommended to consider the request of the industry.

**WHEREAS**, after careful examination of the material facts of the case, objections of the industry and recommendations of the committee, the Board hereby finalizes the Environmental Compensation as per the calculation below:

**Environmental Compensation to be levied:**

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

PI – Pollution index of industrial sector

N - No of days of violation took place

R – A factor in Rupees for EC

S – Factor for scale of operation

LF – Location factor

1. Pollution Index (PI) is taken as 40 duly considering the category of the industry i.e., Orange Category ( **Minimum value is considered**)

2. No. of days of which violation took place are mentioned below:

Previous CFO order dated 24.01.2020 and same was expired on	28.02.2022	No. of days of violation is 259 days (as on 14.11.2022). Disconnection of power supply to the industry was done on 01.08.2022 due to non-payment of power bills. Hence, 106 days from 01.08.2022 to 14.11.2022 (date of closure order) shall be exempted.
This office has issued notice to the stone crusher and directed to apply for renewal of CFO on	21.02.2022	
Closure orders issued by the Board on	14.11.2022	
CFO obtained by the stone crusher on (which is having validity period upto 28.02.2032)	08.03.2023	
<b>Total no. of violating days</b>		<b>153 days</b>

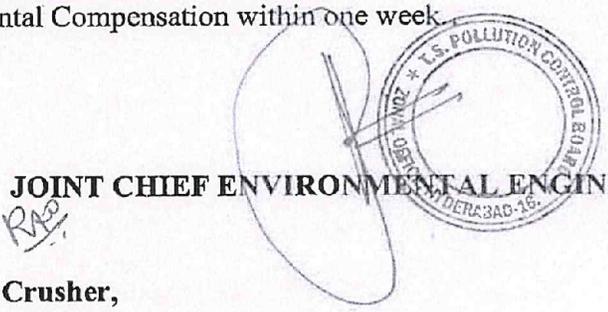
3. R is suggested to consider as 250 as the industry is stone crushing activity.
4. S is taken as 0.5 considering the unit is small scale industry.
5. The Stone Crusher is located in Garlavoddu (V), Enkoor (M), Khammam District and the population of the Garlavoddu & surrounding villages shall be less than 1 Million. L<sub>F</sub> is taken as 1 considering the population is < 1 million in which the stone crusher existing.

Hence, the Environmental Compensation is  $40 \times 153 \times 250 \times 0.5 \times 1$ .

= Rs. 7,65,000/-.

In view of the above, the Board hereby levy Environmental Compensation of **Rs. 7,65,000/- (In word Rupees Seven Lakhs and Sixty Five Thousand Only)** in compliance with the Hon'ble NGT Orders dated 07.07.2023, for operating units without consents of the Board, continuing operations even after issue of closure orders by the Board issued under section 31 (A) of Air (P&CP) Act, 1981 and for causing damage to the environment.

Further, you are directed deposit the **Rs. 7,65,000/- (In word Rupees Seven Lakhs and Sixty Five Thousand Only)** towards Environmental Compensation within one week.

  
**JOINT CHIEF ENVIRONMENTAL ENGINEER**

To  
M/s. Sri Jai Santhoshi Narasimha Stone Crusher,  
Garlavoddu (V), Enkoor (M),  
Khammam District.

Copy submitted to the Member Secretary, TSPCB, Board Office, Hyderabad for kind information.

Copy to Environmental Engineer, Regional Office, Kothagudem for information and necessary action.





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ANNEXURE-II

## TELANGANA STATE POLLUTION CONTROL BOARD

Paryavarana Bhavan, A-III, Industrial Estate, Sanathnagar, Hyderabad-500 018

Phones : 040-23887500 Fax: 040 - 23887519

**BY REGD. POST WITH ACK. DUE**

**Order No. KGM - 01/TSPCB/U-VI/TF/2023- 1193**

**Dt.04.12.2023**

**Sub :** M/s Manupati Jaya Simha, (1.0 Ha. - Building Stone & Road Metal Mine), Sy. No. 200/TA, Jannaram (V), Enkoor (M), Khammam District - Water (Prevention and Control of Pollution) Amendment Act, 1988 - Air (Prevention and Control of Pollution) Amendment Act, 1987 - Hon'ble NGT orders in O.A No 115 of 2023 - **Assessment & Imposition of Environmental Compensation** - Reg.

**Ref :**

1. Hon'ble NGT order dated 02.11.2022 in O.A No 368 of 2022.
2. Closure order dated 28.11.2022
3. Revocation of closure order dated 28.03.2023
4. Original Application No.115 of 2023 dated 22.08.2023.
5. Regional Officer Report dated 12.10.2023.
6. Show cause notice dated 28.10.2023
7. Your industry letter dated 18.11.2023.
8. Hearing held on 29.11.2023 at Board office, Hyderabad.

\* \* \* \* \*

1. WHEREAS, you are operating the industry located at Sy. No. 200/TA, Jannaram (V), Enkoor (M), Khammam District and is a Building Stone & Road Metal Mine.
2. WHEREAS, the Hon'ble NGT, Principal Bench registered an application in O.A No 368 of 2022 based on a complaint received by post from Mr. Abhilash Chowdary of Garlavoddu Village, Enkoor Zone, Khammam District, Telangana stating that the hills and forests around the village are being completely destroyed due to operation of stone crushers by some non-tribals and also illegal mining in and around the village destroying the forest area causing severe air & noise pollution leading to damaging endangered hills and forests which is adversely affecting the wild animals.
3. WHEREAS, the Board has issued a show cause notice to the mine on 10.06.2022 for operating without consent of the Board.
4. WHEREAS, the Hon'ble NGT has heard the case on 02.11.2022 and passed the following orders.  
*"In view of recommendations made by the Joint Committee, we direct the Project Proponent- M/s Manupati Jayasimha not to carry on any further mining without obtaining environmental clearance from MoEF & CC and the Project Proponent- M/s Sri Lakshmi Narsimha Stone Crusher (Presently operating in the name of M/s. Sri Jai Santhoshi Narasimha Stone Crusher) not to operate the stone crusher without obtaining valid consent from the TSPCB".*
5. WHEREAS, the Board has issued closure orders to the mine vide order dt. 28.11.2022 for operating the industry without consents of the Board.
6. WHEREAS, the Board vide order dated 28.03.2023 revoked the closure orders issued to the industry.
7. WHEREAS, the Hon'ble NGT has again reviewed the case and transferred the case to Hon'ble NGT, Southern Zone vide order dated 07.07.2023 and ordered as follows:  
*".....In view of the damage to the houses, learned Counsel for the State PCB has substantiated that the Village Panchayat has narrated another fact. The learned Counsel for the State PCB reveals that the unit was in operation without valid EC and State PCB had not taken any action in due course of time and while submitting the report past violations have not been considered and no compensation has been calculated and assessed....."*
8. WHEREAS, the Hon'ble NGT, Southern Zone has registered the case and re-numbered as Original Application No.115 of 2023 and issued following orders dated 22.08.2023 :  
*" ..... Though all the reports were filed before the transfer of this application, we wanted an updated report from the Telangana State Pollution Control Board, including*

*the particulars about the environmental compensation to be levied for violations and also the collection of the amount already levied.....".*

9. WHEREAS, the issue was reviewed in the Task Force Committee meeting held on 22.09.2023. After detailed discussions, the Committee recommended to levy Environmental Compensation on the Mine as per the orders of the Hon'ble NGT, adhering to the Guidelines of the CPCB.

10. WHEREAS, the Regional Officer, Kothagudem vide letter dated 12.10.2023 submitted the detailed report on Environmental Compensation to be levied with details on date of violations observed, no. of violation days etc., the calculation as follows:

Environmental Compensation (EC) = PI x N x R x S x LF

PI - Pollution index of industrial sector

N - No of days of violation took place

R - A factor in Rupees for EC

S - Factor for scale of operation

LF - Location factor

a) Pollution Index (PI) is taken as 80 duly considering the category of the industry i.e., Red Category.

b) No. of days of which violation took place are mentioned below:

The Regional Office, Kothagudem has issued notice to the mine	08.06.2018	No. of days of violation is 1635 days (as on 28.11.2022)
Closure orders issued by the Board on	28.11.2022	
CFO order obtained by the mine on	21.01.2023	
COVID lockdown period exempted	From 25.03.2020 to 31.05.2020	68 days.
<b>Total no. of violating days</b>		<b>1567 days</b>

c) R is suggested to consider as 150 as the industry is mining activity and pollution potential is minimum.

d) S is taken as 0.5 considering the unit is small scale industry.

e) The Stone & Metal quarry mine is located in Jannaram village, Enkooor (M) and the population of the Jannaram & surrounding villages shall be less than 1 Million. L<sub>f</sub> is taken as 1 considering the population is < 1 million in which the mine existing.

Hence, the Environmental Compensation is  $80 \times 1567 \times 150 \times 0.5 \times 1 = \text{Rs. } 94,02,000/-$ .

11. WHEREAS, the Board has levied a EC of Rs Rs. 94,02,000/- and issued show cause notice to the industry vide order dated 28.10.2023 directing the industry to submit any objections in writing within 15 days from the date of the receipt of the show cause notice on the calculation carried out by the Board for assessment of the Environmental Compensation.

12. WHEREAS, the Regional Officer, Kothagudem vide mail dated 25.11.2023 submitted a mail forwarding the representation dated 18.11.2023 of the Mine stating that they have not operated the mine from August'2019 to September'2022 for 1157 days and requested the Board to exempt 1157 days from the no. of days of violation. The mine has submitted letter issued by the Assistant Director, Mines & Geology, Khammam where in the production of the mine is mentioned as 0 (zero) for the period from August'2019 to September'2022.

13. WHEREAS, the status was reviewed in the Task Force Committee meeting held on 29.11.2023. The representative of the mine attended the meeting and informed that they have not operated the mine from August'2019 to September'2022 for 1157 days. The mine has submitted letter dated 11.10.2022 issued by the Assistant Director, Mines & Geology, Khammam where in the production of the mine is mentioned as 0 (zero) for the period from August'2019 to September'2022 and requested the Board to exempt 1157 days from the no. of days of violation.

The committee opined that the Board may consider the industry request to exempt 1157 days from 1635 days as the industry has not operated the Mine as per the Mines Department.

After detailed discussions, the committee recommended to exempt 1157 days from 1635 days as the industry has not operated the Mine as per the Mines Department.

14. After careful consideration of the material facts of the case, the Board decided to levy an Environmental Compensation of Rs. 28,68,000/- (Rupees Twenty Eight Lakhs Sixty Eight Thousand Only). The calculation of the Environmental Compensation is as follows:

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

PI – Pollution index of industrial sector  
 N - No of days of violation took place  
 R – A factor in Rupees for EC  
 S – Factor for scale of operation  
 LF – Location factor

- a) Pollution Index (PI) is taken as 80 duly considering the category of the industry i.e., Red Category.  
 b) No. of days of which violation took place are mentioned below:

No. of Days as per the Earlier Notice		1635 days
Exemption days as the industry has not operated the Mine (as per the Mines Department)		1157 Days
<b>Total no. of violating days</b>		<b>478 days</b>

- c) R is suggested to consider as 150 as the industry is mining activity and pollution potential is minimum.  
 d) S is taken as 0.5 considering the unit is small scale industry.  
 e) The Stone & Metal quarry mine is located in Jannaram village, Enkoor (M) and the population of the Jannaram & surrounding villages shall be less than 1 Million. L<sub>f</sub> is taken as 1 considering the population is < 1 million in which the mine existing.

Hence, the Environmental Compensation is  $80 \times 478 \times 150 \times 0.5 \times 1 = \text{Rs. } 28,68,000/-$ .

15. You are further directed to remit the Environmental Compensation of Rs. 28,68,000/- within 15 days from the date of this order.  
 16. These directions are issued under Sec.33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Sec. 31 (A) of Air (Prevention and Control of Pollution) Amendment Act, 1987.  
 17. The above mentioned directives shall comply by the industry immediately, failing which legal action will be initiated against your industry under Section 33(A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Section 31(A) of Air (Prevention and Control of Pollution) Amendment Act, 1987.

**Sd/-**  
**MEMBER SECRETARY**

**To**  
**M/s Manupati Jaya Simha,**  
**(1.0 Ha. – Building Stone & Road Metal Mine),**  
**(2.0 Sy. No. 200/TA, Jannaram (V), Enkoor (M),**  
**(3.0 Khammam District.**

**Copy to:**

1. The JCEE, ZO-Hyderabad for information and necessary action.
2. The EE, RO-Kothagudem for information and necessary action. The EE.RO. is directed to pursue with the industry to remit the Environmental Compensation.
3. Concerned file.

//T.C.F.B.O//

*P. Jambhale*  
**Senior Environmental Engineer**  
**(TF-HYD-UH-VI)**

THE UNIVERSITY OF CHICAGO

PH.D. THESIS

