

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI
O.A No. 126 OF 2021**

IN THE MATTER OF:

M/S SRI MAHALAKSHMI HATCHERIES

Represented by its Proprietor
Mr. D. Sagar Reddy
S/o D. Venkata Ramana Reddy
Office at Doruvukatta Village, Kota Mandal
Sidavaram Post, Nellore- 524 411
Ph +91 8978374567
Email: sagar.duvvuru@gmail.com

...APPLICANT

Versus

- 1. UNION OF INDIA**
Through the Secretary
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- 2. STATE OF ANDHRA PRADESH**
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- 3. THE DISTRICT COLLECTOR**
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- 4. ANDHRA PRADESH COASTAL ZONE MANAGEMENT AUTHORITY**
Represented by its Member Secretary
D.No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre,
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Ph 0866 2463200
Email: membersecy@appcb.gov.in
- 5. ANDHRA PRADESH POLLUTION CONTROL BOARD**
Represented by its Member Secretary,
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- 6. COASTAL AQUA CULTURE AUTHORITY**
Represented by its Member Secretary
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Nandanam,



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Email: aquaauth@gmail.com

7. M/S DIVIS LABORATORIES LIMITED

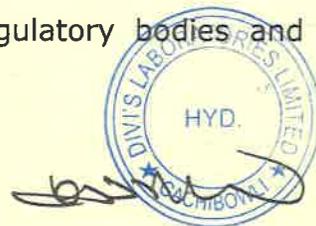
Represented by its Managing Director
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Email: mail@divislaboratories.com

...RESPONDENTS

COUNTER-AFFIDAVIT FILED ON BEHALF OF THE 7TH RESPONDENT

I, K. Subba Rao, aged about 57 years, representing the 7th Respondent, having office at 1-72/23(P)/DIVIS/303, Divi Towers Cyber Hills, Gachibowli Hyderabad, Telangana, 500032 India, do hereby solemnly affirm and sincerely state as follows:

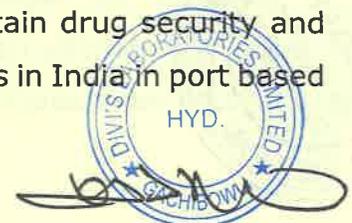
1. I am the General Manager (erstwhile Deputy General Manager) of the 7th Respondent herein and as such well acquainted with the facts of the case and competent to swear to the present affidavit.
2. The contents of the Memorandum of Application filed by the Applicant are specifically denied except those, which are specifically and expressly admitted hereto. Absence of any specific denial shall not be deemed to be an admission by the Answering Respondent.
3. The Applicant herein has filed the impugned Application praying for, *inter alia*, an order of permanent injunction from carrying out any alleged polluting activity detrimental to the environment and hatcheries present surrounding the site of the 7th Respondent (hereinafter '**Answering Respondent**') at Krishnapatnam Industrial Area Survey Nos. 397, 401, 402, 403, 676, 681, 682, 683, 700-709, Kothapatnam (V), Kota (M) SPSR Nellore (hereinafter '**proposed area**') and relocation of the same. The Applicant has also prayed for cancellation/ revocation of all licenses and permissions granted to the Answering Respondent along with declaration of the proposed area as eco-fragile.
4. At the outset it is submitted that the present Application is bereft of any cause of action and has been based entirely on assumptions and surmises and is as such premature, and liable to be dismissed at the threshold as not being maintainable. The Applicant has wrongfully sought for intervention of this Hon'ble Tribunal, by relying on precautionary principle, for the purpose of hindering the Applicant's proposed project, which has been scrutinised by regulatory bodies and the environmental clearance is still awaited.



5. The Applicant has advanced a number of contentions which have been intentionally manipulated and misrepresented in order to show the Answering Respondent in poor light and the present Application is nothing short of a gross abuse of the process of law and deserves to be dismissed *in limine*. The Application is contrary to facts and law and is liable to be dismissed in so far as the Application seeks various directions against the Answering Respondent. The Application, *ex facie* is *mala fide*, filed without any reasonable basis and with intention of interfering with the business of the Answering Respondent by subjecting it to vexatious litigation. The Answering Respondent seeks liberty to file an application for costs to be imposed on the Applicant for instituting thus frivolous and vexatious litigation.

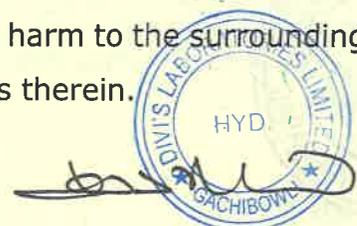
FACTS IN BRIEF

6. The Answering Respondent submits that it was established in the year 1990 in Hyderabad, India with two manufacturing units and is one among the top pharmaceutical companies in India. The Answering Respondent is recognized as a reliable supplier of generic Active Pharmaceutical Ingredients (hereinafter 'API') and is also one of the top API manufacturers in the world, offering high quality products with the highest level of compliance and integrity to over 95 countries. The Answering Respondent has around 11,000 highly trained professionals across departments and 350 scientists working together. Before dealing with the averments raised in the present Application, the Answering Respondent is setting out a brief factual background relating to the proposed site area, which is the subject matter of the present Application.
7. The proposed unit of Divi's Laboratories Limited in Krishnapatnam Industrial area shall act as a commercial facility for manufacturing APIs & intermediates with a firm commitment towards environmental care. This proposed manufacturing facility would be established in the notified Krishnapatnam Industrial area with an area of 81.74 Ha (202 Acres) identified with the purpose of establishing multipurpose production blocks in Kothapatnam village, Kota mandal, PSR Nellore District of Andhra Pradesh, which is a part of the part of the notified industrial corridors i.e. (i) Chennai Bangalore industrial corridor and (ii) Vishakhapatnam Chennai industrial corridor.
8. It is submitted that the Applicant has emphasised on the fact that the Answering Respondent has acquired the proposed area for establishing its 3rd commercial unit for manufacturing bulk drugs and intermediary products. However, it is submitted that the Answering Respondent has acquired the proposed area with the objective of future expansion of its capacities to maintain drug security and to avoid disturbances in supply chain for manufacturing API's in India in port based



industrial area notified by both the Central and State Government and the same is in addition to the existing site located at Thondangi Mandal.

9. Furthermore the allegation that the proposal for relocation of site from Thondangi Mandal to Nellore was triggered by agitations and protests pertaining to potential health hazard and pollution is baseless and misconceived. The Applicant has based such averment on mere hear say without any application of mind or presence of any documentary evidence and the Applicant is put to strict proof of the same. It is hereby further submitted that the existing site of the Answering Respondent located at Thondangi Mandal is independent of the subject proposed site at Kothapatnam Village, Kota Mandal in Nellore District allocated to Answering Respondent.
10. It is submitted that the protests in Thondangi Mandal mainly pertained to issues on the ex-gratia fixed by the Government of Andhra Pradesh. The subject matter of such agitation was disposed in favour of the Answering Respondent by the Hon'ble High Court of Andhra Pradesh vide common order dated 05.05.2021 . The Answering Respondent continues to hold the peaceful possession of the site at Thondangi Mandal and has also obtained all necessary statutory approvals towards construction of the said manufacturing facility.
11. At the outset it is highlighted that the Answering Respondent adheres to and is in strict compliance of all applicable statutory rules, norms, laws, bye-laws related to the environment. It is also important to bring to notice that the Answering Respondent has been initiating and constantly conducting CSR activities in order to maintain, preserve and upgrade the environment in and around its sites. The allegations pertaining to but not limited to unrest at Kakinda, discharge of effluents into the sea, illegal construction are vehemently denied since they are mere statements without any proof and have been repeated without any success. The Applicant has wrongfully contended violations by the Answering Respondent, when in fact the Answering Respondent has been found in compliance of all necessary statutory obligations time and again.
12. It is submitted that the proposed area would strictly function in compliance with rules and regulations issued under all applicable laws, including laws relating to the protection of the Environment such as Environment (Protection) Act, 1986, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. It is further highlighted that the Answering Respondent has undertaken to adhere to follow a standard treatment process as specified by regulatory and technical bodies of government which will be environmentally viable and safe and would not bring any harm to the surrounding environment which includes the sea water or any species therein.

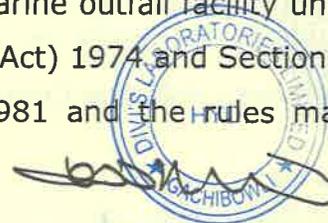


13. In spite the comprehensive statutory regime governing the functioning of the Answering Respondent and the inherent checks and balances, the Applicant has filed this impugned application with no legally tenable justification. Also, it is submitted that the location of the proposed area as described by the Applicant is misleading and incorrect and the proposed areas does not abut the Buckingham canal (NW4) nor is surrounded or abutted by any reserved forest and the Applicant is put to strict proof of the same. The proposed area is a part of the notified industrial corridors i.e. (i) Chennai Bangalore industrial corridor and (ii) Vishakhapatnam Chennai industrial corridor and surrounded by 4 announced industrial projects.
14. Additionally, the averment that around 21 hatcheries are registered and located within the proposed area is false and far away from the truth and the site of the Answering Respondent. It is submitted that, three hatcheries are located within 3kms of the proposed area, out of which one is operating, another is rarely operating and the third one is non-operational. Further, 14 other hatcheries are located more than 12 -15 kms away from the proposed area and they do not fall within the jurisdiction of Kota Mandal, but form part of Vakadu Mandal. In addition to the above, it is submitted that the map annexed by the Applicant is manipulated and does not reflect the truth and the Applicant is put to strict proof of the same.
15. Pertaining to the concerns of discharge of treated effluents in the sea, it is submitted that the treated effluents would be stored in guard ponds which are duly facilitated with a lock and seal system in accordance with the norms prescribed by the 5th Respondent. The whole activity pertaining to discharge of the treated effluents would be done only in the presence of the officials of 5th Respondent, after receiving the necessary conformation based on treatments and standards prescribed by them. The proposed scheme of disposal of the other residue products like incineration ash, process salt and residue, used oil, spent acids, catalysts etc is further indicative of the fact that the Answering Respondent has only undertaken environmentally viable measures by sending such wastes to Treatment Storage and Disposal facilities ('**TSDF**') or by sending them to duly authorised re-processors/ recyclers or agencies.
16. Further pertaining to the allegations on air pollution by the Answering Respondent, it is submitted that mechanisms for stack emissions will be put in place by installation of Advanced Engineering Controls ('**ADC**') like scrubbers, quenchers, spray driers and cyclone separators along with ESP/bag filters which would prevent any particulate matter to be released out of the stack. It is further submitted that the incineration systems shall be continuously monitored using various high efficiency monitoring equipments like SPM analyzers, NO_x, SO₂ THC, H₂S analyzers etc. The reports of the same shall be provided and made available, round the clock by way of online connectivity to the servers of the Andhra Pradesh Pollution Control Board & Central Pollution Control Board. Real time data



relating to the same can be monitored from anywhere in the RTDMS websites (Real Time Dynamics Monitoring System) of the Pollution Control Board. Thus, the averments of the Applicant that incinerating solid waste would directly impact the air quality index are misconstrued and as such necessary precautions shall be undertaken by the Answering Respondent.

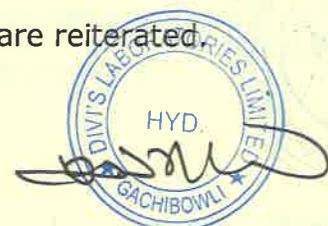
17. It is highlighted that the core operational activities of the Answering Respondent do not hamper or cause any adverse effect to the aqua culture or its revenue. It is reiterated repeatedly that the Answering Respondent shall function in compliance with all prescribed and applicable statutory norms and standards as prescribed by the Government pertaining but not limited to waste management handling and discharge of treated effluents. It is pertinent to note that the Marine outfall point has been consciously chosen based on the Marine EIA Studies carried out by Indomer Hydraulics (P) Limited, Chennai which is an empanelled accredited body of the Ministry of Environment, Forest & Climate Change (hereinafter referred to as "MoEF"). As per the recommendations of the aforementioned study, the treated effluents can be discharged into the sea at a distance of 1000 m and depth of 8 m from the land fall point. The effluents will be treated in a diversified manner to ensure that they adhere to the standards prescribed by the 5th Respondent and are not directly discharged. Adequate mechanisms are put in place to monitor air pollution as well.
18. Therefore, the averments made by the applicant that any such industrial discharge into the sea will have adverse effects on the production and farming undertaken in the Hatcheries, is misconceived and hence denied. It is further submitted that the Applicant has merely made misconstrued and baseless allegations for the sake of making allegations and the same are not in furtherance of any environmental cause. Re-emphasis is placed on the fact that hazardous waste i.e. solid waste will not be disposed into the sea at any instance or cost. Such waste shall be duly sent to TSDF/ co-processors/ recyclers/ authorised vendors as substantiated in the submissions below.
19. Additionally, it is pertinent to note that after submission of representation from the proprietor of the Applicant namely Mr. D. Sagar Reddy and the preliminary Joint inspection report, the respective parties along with the members of the joint inspection committee were asked to make representations before the Consent for Establishment (hereinafter 'CFE') Committee to discuss the said issue on 22.10.2020 through video conference. In accordance with the same, all respective parties appeared and were duly given an equal opportunity to represent their claims. After detailed deliberations of all the issues and claims and careful scrutiny, the CFE Committee granted CFE (NOC) for marine outfall facility under section 25 of the Water (Prevention & Control Pollution Act) 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and the rules made



- (ii) In aggregate the unauthorized culture accounts for 94.09% in all three mandals;
- (iii) The shrimp farmers after harvesting the aqua crop drained the high saline water into nearby irrigation channels, thus polluting the irrigation water with saline water. It was further observed that when such high content saline water is being used by the farmers for irrigation, it not only leads in significant decrease in crop yields but also deteriorates the quality of soil by increasing the soil salinity.
23. In light of the observations made by the said joint committee, it was concluded that the irrigation channels of Pulikaluva and Royyalakaluva were affected by contaminated brackish water released from the shrimp ponds which caused harm to the environment, in particular to the soil, water. The same resulted low in productivity and loss of income to farmers who used such contaminated brackish water from Mallam Tank for irrigation of their crops.
24. Additionally, the presence of antibiotics and harmful pharmacological substances have been detected in the rejected exported products and the reasons behind such rejection can be traced to the non-regulated, indiscriminate and erroneous use of banned antibiotics such as furazolidone, chloramphenicol, veterinary antibiotics and nitrofurans as supplements and feeds by the shrimp farmers in India including shrimp farmers in Andhra Pradesh, which are harmful to the consumers and are banned as per global regulations. The Applicant has advanced no single iota of evidence to suggest that their shrimp farming is being impacted by the treated pharmaceutical effluents and have filed this impugned Application to cover their own wrongdoings and pass the blame to the Answering Respondent. The Applicant is put to strict proof of the same.
25. In light of the above submissions, where the Answering Respondent is in compliance with every letter of the Statute, the impugned Application is premature and needs to be dismissed *in limine*.
26. Without prejudice to the above contentions, the para wise response of the Answering Respondent to the contentions of the Applicant are as under:

DETAILED OBJECTIONS: PARAGRAPH-WISE REPLY

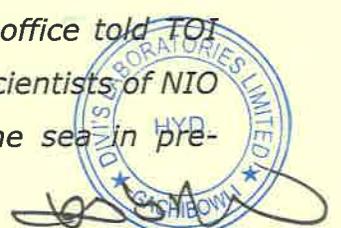
1. With respect to Paragraphs 1-5, they pertain to details of parties to the present Application and the same are accepted, to the extent they are borne out of records and corresponding submissions made above are reiterated



2. With respect to Paragraph 6, the averment that the proposed expansion of a commercial facility of the Answering Respondent at Thondangi Mandal was relocated owing to widespread agitation and protests by the villagers against potential hazard and pollution is misinformed and the details have been grossly misconstrued by the Applicant and hence denied. It is pertinent to state that the agitations and protests at Thondangi Mandal were in relation to the land being situated in an undeveloped industrial area and mainly pertaining to the ex-gratia fixed by the Government of Andhra Pradesh and not on any allegations of potential hazard or pollution as stated by the Applicant and the Applicant is put to strict proof of the same.
3. In furtherance of the above, it is also submitted that the subject matter concerning the ex-gratia was challenged in the erstwhile Hon'ble High Court of Andhra Pradesh and Telangana. The Hon'ble Court of Andhra Pradesh vide common order dated 05.05.2021 disposed the Writ petitions by confirming the ex-gratia as fixed by the Government of Andhra Pradesh. A copy of the common order dated 05.05.2021 of the Hon'ble High Court of Andhra Pradesh are annexed herewith.
4. It is also at this stage pertinent to highlight that post the disposal of the writ by the Hon'ble High Court, the Answering Respondent continues to hold the peaceful possession of the site at Thondangi Mandal and has also obtained of all necessary statutory approvals for construction of the said manufacturing facility. It is further reiterated that, the Answering Respondent was never asked to relocate the site at Thondangi Mandal and the averment of the Applicant is incorrect and misleading and the Applicant is put to strict proof of the same.
5. Additionally a close and careful reading of the Times of India article titled "AP Pollution Board to study impact of effluents on marine life along coastline" dated 19.12.2017 relied by the Applicant, is indicative of the fact that the Answering Respondent did not directly discharge any untreated effluents in the ponds. Only duly treated discharges which were within the standards prescribed by the Government were released into the pond. Paragraphs 4 & 5 of the article relied by the Applicant are extracted below for ready reference and the Applicant is put to strict proof of their bald and baseless allegations against the Answering Respondent.

" In vizag district six pipeline have laid into sea to discharge effluents. Pharma city, Hetero drugs, Divi's Laboratories, Atchyuthapuram SEZ, Brandix textile Park (dyes) and Deccan Fine Chemicals (pesticides) are the six major industries.....

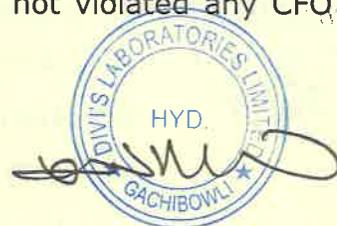
"R Lakshmi Narayana, Regional officer of PCB's Vizag office told TOI "the study report will be ready by November 2018, the scientists of NIO will study the patterns of environmental quality of the sea in pre-



monsoon and post monsoon seasons. The six companies of Vizag do not directly discharge effluents and they have treatment plants and ponds. The treated discharges go into the pond. The locks of the ponds are with PCB. We regularly test COD Chemical oxygen demand. We allow them only if it is within the standard of 250. Otherwise the discharges are sent back for re-treatment."

(A copy of Times of India article titled "AP Pollution Board to study impact of effluents on marine life along coastline" dated 19.12.2017 relied by the Applicant is annexed herewith).

6. With respect to Paragraph 7, the allegation that the unrest at Kakinada district was fuelled by prior incidents of pollution and violation of norms resulting in environmental damage from units at Hyderabad and Vishakhapatnam is denied at the outset as it is devoid of any substance and is false. It is stated that the Answering Respondent adheres to and is in strict compliance with all applicable statutory rules, norms, laws, bye-laws related to the environment. It is also important to bring to notice that the Answering Respondent has been initiating and constantly conducting CSR activities in order to maintain, preserve and upgrade the environment in and around its site. Additionally, the Answering Respondent has undertaken a number of steps towards education, cleanliness, health, hygiene, plantation, water treatment in order to benefit population of the neighbouring villages.
7. Further, the allegation that the Answering Respondent's unit at Vishakhapatnam illegally discharged 850095 KL of effluent into the sea without knowledge of the Board between September 2019-2020 is vehemently denied as it is false and the same is merely alleged to cloak the impugned Application with a serious tenor, which though is untrue. It is pertinent to mention here that the discharge of NaCl i.e. salt water was made in accordance with the consent for operation (hereinafter 'CFO') issued by the 5th Respondent. During the Task Force Committee meeting held on 12.08.2020, the whole issue was examined in detail and thereafter directed the Answering Respondent to discharge it through the same stream into the guard ponds with effect from 07.09.2020. It is hereby submitted that functioning of the Answering Respondent is closely monitored by the other Respondents and routine inspections are conducted from time to time to ensure that the Answering Respondent is in compliance with all applicable standards and norms, which is explained in detail in the routine inspection report submitted by the APPCB from time to time. Thus the allegations are denied as being totally false and devoid of any merit as the Answering Respondent has not violated any CFO conditions.



8. Additionally, during the Board officials visit in June 2020, the 5th Respondent had recommended the Answering Respondent to specifically connect to Guard pond No. 6, prior to the same it was discharged through the neutralisation tank. Post June 2020, the 5th Respondent analysed the NaCl stream and the chemical oxygen demand values (hereinafter '**COD**') were in range of 96-144 mg/ltr as against the standard of 225 mg/ltr.
9. With respect to Paragraphs 8 & 9, the allegations contained therein are denied. While the Answering Respondent entered into an Agreement for Sale dated 26.08.2017, prior to execution of Sale Deed dated 10.10.2018, the same was for the purpose of future expansion activities and not for the purpose of setting up the 3rd Unit. The Answering Respondent acquired the proposed subject area with the objective of future expansion of its capacities to maintain drug security and to avoid disturbances in supply chain for manufacturing API's in India in port based industrial area notified by both the Central and State Government. Also the averment that the Applicant and the localities did not have any knowledge on the nature and genus of the Answering Respondent until they commenced construction of compound walls on February 2020 is totally false, frivolous and devoid of any merit and the Applicant is put to strict proof the same.
10. It is submitted that the Answering Respondent took possession of the said extent of approximately 202 acres of land located at Kothapatnam (V), Kota (M) Krishnapatnam Industrial Park Area, SPSR Nellore secured with the wall vide sale deed dated 10.10.2018. Further the proposed area was acquired by the Answering Respondent with the objective of future expansion of its capacities in port based industrial area notified by both the Central and State Government in order to maintain drug security and avoid disturbances in the supply chain for manufacturing API's in India. The contention of the Applicant that it was purchased for setting up a 3rd Unit is merely a bald allegation without any sherd of proof and is denied in toto.
11. With respect to Paragraph 10, it is submitted that the location of the proposed area as described by the Applicant is misleading and incorrect. The proposed area does not abut the Buckingham Canal (NW4) and the Applicant is put to strict proof of the same. It is highlighted that the Buckingham Canal is located at an average distance of 400-500 meters from the proposed area. The actual

site boundary details are as follows:

Direction	As alleged by Applicant	Actual Details
North	By KPIL Land and Reserved Forest	KPIL Land



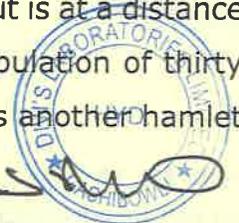
South	By Village Road	Road (Mannegunta to Kothapatnam)
East	By KPIL Land (towards sea at a distance of 2.2 kms)	KPIL Land
West	by Road	Andhra Pradesh Industrial Infrastructure Corporation ("APIIC") Land

12. It is submitted that the proposed area is located in the notified Krishnapatnam Port Industrial Area which is a part of the new notified industrial corridors i.e. (i) Chennai Bangalore industrial corridor and (ii) Vishakhapatnam Chennai industrial corridor. It is pertinent to note that the proposed area is not surrounded or abutted by any reserved forest as alleged by the Applicant and is put to strict proof of the same.

13. With respect to Paragraph 10, the averment made by the Applicant is misleading and incorrect and the Applicant is put to strict proof of the same. It is submitted that there are no eco sensitive areas located near to the proposed area belonging to the Answering Respondent. It is reiterated at the cost of repetition that the proposed area is a part of the new notified industrial corridors i.e. (i) Chennai Bangalore industrial corridor and (ii) Vishakhapatnam Chennai industrial corridor. Therefore it is completely misconstrued to state that the proposed area is not part of the notified industrial area and the allegation made is vehemently denied. In addition to this, it is submitted that the proposed area belonging to the Answering Respondent is surrounded by 4 announced industrial projects as under:

- (i) Navayuga Pharma City;
- (ii) North Krishnapatnam Industrial Project approved and announced by Government of India and Government of Andhra Pradesh through Andhra Pradesh Industrial Infrastructure Corporation;
- (iii) Also recently the Government of Andhra Pradesh and State Investment Promotion Board ('SIPB') announced and approved setting up a Steel Plant; and
- (iv) Another Pharma unit (Potluri Pharma) is in the process of obtaining Environmental Clearance for setting up its manufacturing unit.

14. Furthermore, it is submitted that the allegation by the Applicant that the villages are in close proximity of the proposed area belonging to the Respondent does not represent the whole truth and is denied. Narravaripalem village is a hamlet of the Kothapatnam village and is not in close proximity of the proposed area i.e. 150 mts as averred by the Applicant, but is at a distance of 900 mts from the proposed area with approximately a population of thirty people and ten houses. Also Yamadinnepalem village which is another hamlet



of the Kothapatnam village, is at a distance of 250 mts from the site boundary having a population of about 300 people and consists of around 50 to 60 houses.

15. With respect to Paragraph 12, it is submitted that the proposed area would strictly function in compliance with rules and regulations issued under all applicable laws, including laws relating to the protection of the Environment such as Environment (Protection) Act, 1986, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. It is further highlighted that the Answering Respondent has undertaken to adhere to and follow a standard treatment process which will be environmentally viable and safe and would not bring any harm to the surrounding environment which includes the sea water or any species therein.
16. In addition to the above, the treated effluents would be stored in the guard ponds which are duly facilitated with a lock and seal system in accordance with the norms prescribed by the 5th Respondent. The lock and seal system is kept intact without any disturbances and the seal will be opened only at the time of marine discharge by the 5th Respondent only. A bird's eye view of the proposed scheme for disposal of the residue, in accordance with the norms of the 5th Respondent is as follows:

Product	Discharge Scheme/Method
Process Residue	Sent to authorised cement plants for co-processing/ incineration at onsite / Treatment Storage and Disposal Facility (' TSDF ').
Process Salts	Sent to TSDF/ authorised vendors.
ETP Sludge	Sent to TSDF for secured land filling.
Multiple effect evaporation or forced evaporation salts	Sent to TSDF/ authorised vendors.
Incineration Ash	Sent to TSDF
Containers & Container liners of Hazardous chemicals & hazardous Wastes	After due detoxification, sent to outside agencies/ authorised vendors.
Spent Carbon	Will be recovered from the premises/ sent to authorised re-processors or recyclers.
Used oil/Waste lubricant oil	Sent to authorised re-processors/ recyclers.
Spent Solvents	Will be recovered from the premises/ sent to authorised re-processors or recyclers.



Mixed spent Solvent	Sent to authorised agencies/ co-incineration in cement industries.
Spent acids	Sent to authorized agencies.
Spent Catalysts	Sent to authorised re-processors/ recyclers.
Ash	Sent to Brick/Tile/Cement manufacturers.

17. It is also reiterated that the whole activity pertaining to discharge of the treated effluents would be done only in the presence of the officials of 5th Respondent, after receiving the necessary conformation based on treatments and standards. The whole activity is under PCB surveillance.

18. With respect to Paragraph 13, the averment that around 21 hatcheries are registered and located within the proposed area is false and far away from the truth and site of the Answering Respondent. The Applicant only to add weightage in form of numbers to the current application has conveniently cloaked the averment and is put to strict proof of the same. It is submitted that only three hatcheries are located near the proposed area.

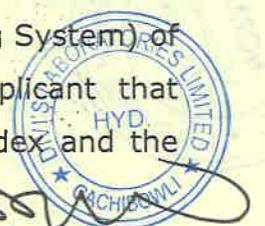
Hatchery	Distance from proposed area/site boundary
Teknomin Hatcheries	2.13 Km
Mahalakshmi Hatcheries	2.56 Km
Vijaya Hatcheries	2.6 Km

19. It is submitted that aforementioned three hatcheries are located about 3km away from the proposed area, out of which only one is operation, another is rarely operating and the last is non-operational. Further, about 14 other hatcheries are located more than 12-15 kms away from the proposed area and they do not fall within the jurisdiction of Kota Mandal, but form part of Vakadu Mandal..

20. In addition to the above, it is submitted that the map annexed by the Applicant is manipulated and does not reflect the truth. A careful perusal of the same in light of real coordinates of location of the site is indicative of the fact that the yellow star representing the proposed area is intentionally plotted. A copy of the map identifying the proposed area with correct coordinates along with additional supporting information is annexed herewith.



21. With respect to Paragraphs 14 and 15, they pertain to facts and statistics relating to the Aquaculture industry and needs no reply.
22. With respect to Paragraphs 16 and 17, it is submitted that the core operational activities of the Answering Respondent would not hamper or cause any adverse effect to the aqua culture or its revenue. It is reiterated repeatedly that the Answering Respondent will function in compliance with all prescribed and applicable statutory norms and standards as prescribed by the Government pertaining but not limited to waste management handling and discharge of treated effluents. The effluents will be treated in a diversified manner to ensure that they adhere to the standards prescribed by the 5th Respondent and are not directly discharged. Due prior examination and analysis of treated effluents will be undertaken in the 5th Respondents zonal laboratory before discharging at the Marine outfall point.
23. Furthermore, it is pertinent to note that the Marine outfall point has been consciously chosen based on the Marine EIA Studies carried out by Indomer Hydraulics (P) Limited, Chennai which is an empanelled accredited body of the Ministry of Environment, Forest & Climate Change. It is hereby submitted that the said study indicates that the initial dilution of the treated effluent once discharged from the proposed marine outfall shall be 250 times per 500 mts. Further, as per the recommendations of the aforementioned study, the treated effluents can be discharged into the sea at a distance of 1000 m and depth of 8 m from the land fall point. The report of the same has been duly presented to the 5th Respondent. The above is squarely indicative of the fact that the treated effluents discharged by the Answering Respondent hampering the marine life at the proposed site would be not be affecting the Applicant.
24. Further pertaining to the allegations on air pollution by the Answering Respondent, it is submitted that mechanisms for stack emissions will be put in place by installation of Advanced Engineering Controls ('ADC') like scrubbers, quenchers, spray driers and cyclone separators along with ESP/bag filters which would prevent any particulate matter to be released out of the stack. It is further submitted that the incineration systems shall be continuously monitored using various high efficiency monitoring equipments like SPM analyzers, NO_x, SO₂ THC, TF analyzers etc. The reports of the same shall be provided and made available, around the clock by way of online connectivity to the servers of the Andhra Pradesh Pollution Control Board & Central Pollution Control Board. Real time data relating to the same can be monitored from anywhere in the RTDMS websites (Real Time Dynamics Monitoring System) of the Pollution Control Board. Thus, the averments of the Applicant that incinerating solid waste would directly impact the air quality index and the

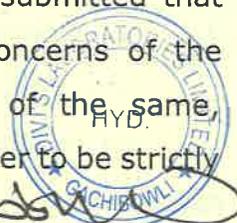


suspended particulate matters ('SPM') released in the air through incineration have the tendency to be deposited in the outdoor shrimp culture of their farming units are vehemently denied since the allegations are nothing but mere statements without any proof and have been continuously repeated by the Applicant without success.

25. Therefore, the averments made by the applicant that any such industrial discharge into the sea will have adverse effects on the production and farming undertaken in the Hatcheries, is misconceived and hence denied. It is further submitted that the Applicant has merely made misconstrued and baseless allegation for the sake of making allegations and the same are not in furtherance of any environmental cause. Re-emphasis is placed on the fact that hazardous waste i.e. solid waste will not be disposed into the sea at any instance or cost. Such waste shall be duly sent to TSDF/ co-processors/ recyclers/ authorised vendors as explained in the preceding submissions.

26. With respect to Paragraph 21 and the averments made by the 6th Respondent, it is submitted that the presence of antibiotics and harmful pharmacological substances have been detected in the rejected exported products from India for over a period of a decade at various importing destinations. The reasons behind such rejection can be traced to the non-regulated, indiscriminate and erroneous use of banned antibiotics such as furazolidone, chloramphenicol, veterinary antibiotics and nitrofurans as supplements and feeds by the shrimp farmers, which are harmful to the consumers and are banned as per global regulations. All such non-regulated practises followed by shrimp farmers in India including shrimp farmers in Andhra Pradesh have led to the constant rejection of shrimp consignments from India. The Applicant has advanced no single iota of evidence to suggest that their shrimp farming is being impacted by the treated pharmaceutical effluents. A copy of the articles supporting the above contention published in reputed publications and newspapers from India; Chemical and Engineering news from the American Chemical Society and a Research Article published in Asian Journal of Science and Technology titled "Studies on Socio Economic Profile, Problems and Constraints of Shrimp Farmers in Nellore District of Andhra Pradesh, India" are annexed herewith.

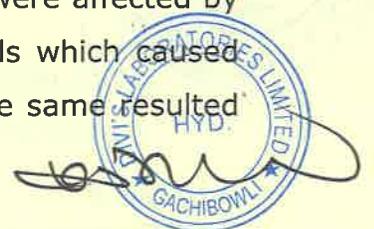
27. It is also submitted that the Applicant has conveniently only made reference to certain paragraphs of the letter of the 5th Respondent. A perusal of the letter is indicative of the fact that the 5th Respondent has also suspected usage of the aforementioned antibiotics and pharmacologically active substances as one of the sources of harm to the environment. Furthermore, it is submitted that APCZMA, SEAC and SEIAA have thoroughly examined all concerns of the Applicant and only after careful review and examination of the same, prescribed standards of discharge of treated effluents in the water to be strictly



adhered to by the Answering Respondent at their proposed area were approved. A copy of their examination and report is annexed herewith.

28. Furthermore, it is pertinent to also bring on record that one M/s Standly Hebzon Singh filed a writ petition u/s 14 and 15 of the National Green Tribunal Act, 2010 before Hon'ble NGT(SZ), in connection with regions of Chittampur, Kota and Vakadu Mandal on shrimp culture and manner of discharge of seepage used by Aqua farmers along the channels of Pulikaluva and Royalkaluva in Pittivanipalli and Padarthivarikadriga and Ranganathapuram villages of Chittampur Mandal, SPSR Nellore District of Andhra Pradesh. It was averred by M/s Standly Hebzon Singh that the contaminated waste water of aqua ponds was discharged into the drain channels of Pulikaluva and Royyalakaluva which acted as a feeder channel to the Mallam Tank. Due to such discharges, water was contaminated and the agriculture fields of paddy crops were getting damaged.
29. Based on the above petition, the Hon'ble NGT (SZ) had directed the District Collector, SPSR Nellore to appoint a Joint Committee to submit a report and to check for violations found in relation of contamination of ground water due to shrimp cultivation. Accordingly, in pursuance of the proceedings, the District Collector, SPSR Nellore, the Sub- Collector and Sub-Divisional Magistrate, Gudur appointed a committee under their supervision comprising of Deputy Inspector of Surveyor, Executive Engineer Pollution Control Board as members of the committee and Assistant Director of Fisheries as convenor of the committee.
30. The said Joint Committee conducted a physical inspection and inspected the brackish water aqua culture ponds existing in the afore mentioned areas and made the following observations:
- (i) Assigned agricultural fields have been converted to shrimp culture in all the aforesaid three mandals, which is in violation of the law;
 - (ii) In aggregate the unauthorized culture accounts for 94.09% in all three mandals;
 - (iii) The shrimp farmers after harvesting the aqua crop drained the high saline water into nearby irrigation channels, thus polluting the irrigation water with saline water. It was further observed that when such high content saline water is being used by the farmers for irrigation, it not only leads in significant decrease in crop yields but also deteriorates the quality of soil by increasing the soil salinity.

In light of the observations made by the said joint committee, it was concluded that the irrigation channels of Pulikaluva and Royyalakaluva were affected by contaminated brackish water released from the shrimp ponds which caused harm to the environment, in particular to the soil, water. The same resulted



low in productivity and loss of income to farmers who used such contaminated brackish water from Mallam Tank for irrigation of their crops. A copy of the detailed Joint Inspection Committee Report is annexed herewith.

32. With respect to Paragraphs 22-25, it is submitted that the Applicant is attempting to misguide and mislead the Hon'ble Tribunal, by distorting and misrepresenting material facts. It is highlighted that respective parties to the proceedings were given an adequate and equal opportunity to present their case and only after deliberating upon representation made by all parties, the 5th Respondent granted Consent for Establishment (hereinafter 'CFE') for Marine outfall in favour of the Answering Respondent. Therefore, the averments made by the Applicant in paragraphs 22 to 25 are denied as unsustainable and false. Also, the averment made paragraph 23 that the grievances of the Applicant were not heard during the said meetings are completely false and untrue and the Applicant is put to strict proof of the same.

33. With respect to Paragraph 26, the Applicant has altered facts to paint a picture of non-compliance of statutory obligations by the Answering Respondent and the allegations contained therein are devoid of any merit. It is stated that the NOC from Andhra Pradesh Coastal Zone Management Authority (APCZMA) is a mandatory requirement under law and for the same reason State Expert Appraisal Committee (SEAC) had asked the Answering Respondent to comply with the same. The Applicant has blindly and conveniently made allegations merely based on broken instances without true and complete knowledge of the real facts.

34. Furthermore, it is hereby submitted that the State Level Environment Impact Assessment Authority (SEIAA) in its meeting held on 20.06.2021, examined the proposal submitted by the Answering Respondent along with the recommendations made by State Expert Appraisal Committee (SEAC) and decided to accept the recommendations of SEAC for strict compliance by Divi's Laboratories Limited and accorded Environmental Clearance to the Project vide letter dated 28.06.2021 bearing Order no. SEIAA/AP/ VSP/ IND/07/ 2020/ 1971/ 157.09/ 153.11.318 under the provisions of EIA Notification 2006 and its subsequent amendment issued under Environment (Protection) Act, 1986 subject to the implementation of the specific and general conditions annexed with the EC order pertaining to waste handling, air and noise environment, discharge of effluents, water environment, Wastewater generation, Solid wastes handling etc. It is further submitted that the original copy of the said Order was received by the Answering Respondent on 02.08.2021.

35. With respect to Paragraph 27, the averments are denied as the Applicant is misconceiving facts and fabricating false information. As submitted above, it is



reiterated that the Answering Respondent has not undertaken any construction activity and purchased the proposed area along with the compound wall. Thus the averments made by the Applicant that the Answering Respondent is engaging in construction activities without prior environmental clearance is void of any merit and untrue and the Applicant is put to strict proof of the same.

36. With respect to Paragraph 28, all averments are denied and the submissions made above on the location of the hatcheries above are reiterated. It is submitted that all the conditions as direction in the Consent for Establishment and Consent for Operation are being complied with.

37. With respect to the grounds, the replies to each specific ground is as follows

Ground	Reply
A	It is submitted that the present application raises no substantial question pertaining to the Environment and no activity undertaken by the Answering Respondent poses any potential hazard to the environment or Applicant's right to practise trade and profession. The Answering Respondent is strictly in adherence to all norms prescribed under the Statutes applicable and has obtained all necessary permissions from the appropriate authorities. The Applicant has merely made bald and fabricated allegations without advancing an iota of relevant evidence on how the activities of the Answering Respondent will adversely affect the environment. As substantiated above, the Answering Respondent has undertaken every measure to ensure proper and authorised discharge of their waste in light of law and the present application needs to be dismissed in limine as is unwarranted and futile.
B	As substantiated above with necessary proof, only 3 hatcheries are present within a radius of 3 kms from the proposed area and the Applicant has grossly fabricated and misrepresented essential coordinates. The ground is based on misrepresentation and manipulation of data and is denied.
C	As substantiated above, only treated effluents duly stored and authorised by the 5 th Respondent will be discharged in the sea at a distance of 1000 m and depth of 8 m from the land fall point. The marine outfall point has been consciously chosen based on the Marine EIA Studies carried out by Indomer Hydraulics (P) Limited, Chennai which is an empanelled accredited body of the Ministry of Environment, Forest & Climate Change. Due prior examination and analysis of treated effluents will be undertaken in the 5 th Respondent's zonal laboratory before discharging at the Marine outfall point along



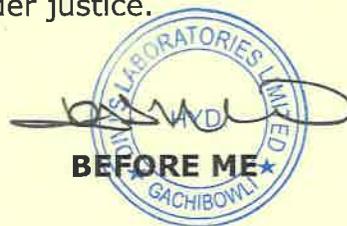
	with lock and seal mechanisms in place. The same is squarely indicative of the fact that the treated effluents discharged by the Answering Respondent hampering the marine life at the proposed site would be not be affecting the Applicant.
D	As substantiated above, that there are no eco sensitive areas located near to the proposed area belonging to the Answering Respondent. It is reiterated at the cost of repetition that the proposed area is a part of the notified industrial corridors i.e. (i) Chennai Bangalore industrial corridor and (ii) Vishakhapatnam Chennai industrial corridor with 4 announced and upcoming industrial projects. The precautionary approach calls for placing adequate risk assessment components to protect public health by shifting the burden of proof. As iterated in the submissions, the activities of the Answering Respondent do not adversely affect the environment and adequate proponents pertaining to observing, preserving and mitigating potential threats have been put in place, and the same are in line with the principles enumerated by Hon'ble Courts.
E & F	As substantiated above, the functioning of the Answering Respondent is not prejudicial to the interests of the Applicant and if any, would only provide for additional employment opportunities for the rural population. The working of the Answering Respondent will be closely monitored by the instrumentalities of the State and there will be no impact on livelihood of the shrimp industry nor any adverse effect on the environment.
G	As substantiated above, the allegation made is baseless and frivolous. The Answering Respondent has since inception of its units at Hyderabad and Vishakhapatnam been found compliant of all requisite standard and safety norms at all times. It is submitted that the Answering Respondent prioritises health, hygiene and the environment and has always adopted all advanced trends, technological upgradations and environmental safeguards in its day to day functioning. Never in the past has there been any evidence to establish that the Answering Respondent's functioning is causing health problems to the people or has impacted the environment due to its manufacturing operations. Additionally, functioning of the Answering Respondent is closely monitored by the other Respondents and routine inspections are conducted from time to time to ensure that the Answering Respondent is in compliance with all applicable standards and norms. Neither have the officials of the 5 th Respondent found any violations of the CFO conditions by the Answering Respondent and thus all allegations made by the Applicant are completely false and vehemently denied.



H	<p>As substantiated above, the CFE(NOC) has been granted by the 5th Respondent only after detailed scrutiny of the application made by the Answering Respondent, verification report of the Regional officer-Nellore, recommendations of the CFE Committee and careful evaluation of the environmental and ecological relevance of the proposed area. Such NOC has been granted subject to the strict adherence of required norms and procedures as laid out in the Annexure to the CFE (NOC) order. Thus the allegation that the permission granted is in total disregard of the ecological relevance of the area is misconstrued and hence denied. It is submitted that the representations of the Applicant were duly examined by the CFE Committee, APCZMA, SEAC and SEIAA, who laid down standard safety norms and precautions which are to be adhered by the Answering Respondent. It is re-emphasised that the Answering Respondent has provided assurance that it shall strictly adhere to all the prescribed safety and standard norms approved by the 5th Respondent. In light of the above undertaking, all conditions and apprehensions of the Applicant have been already addressed and as such the application is liable to be dismissed.</p>
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It is therefore, humbly prayed that this Hon'ble Tribunal may dismiss the Application with costs, and pass such order/orders as this Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Hyderabad on this
 09th day of August 2021 and signed
 his name in my presence.



ADVOCATE,



ATTESTED

SAILAJA OGIRALA
 Advocate & Notary
 H.E.L. MIG-1110, R.C. Puram
 Hyderabad 500 032.
 Cell: 9948292606
 Commission Exp On: 24/6/2022

ENTERED IN REGISTER PAGE No: 6
 Serial: 119/21 Dt: 9/8/2021

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

O.A No. 126 of 2021

M/s. Sri
Mahalakshmi
Hatcheries

..Applicant

Versus

Union Of India
& Others

..Respondents

**TYPED SET OF DOCUMENTS FILED BY
RESPONDENT NO. 7**

M/s. R Parthasarathy

Rahul Balaji

Madhan Babu

Vishnu Mohan &

Rangasaran Mohan

COUNSEL FOR RESPONDENT NO.7