

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

Original Application No 141 of 2023 (SZ)

IN THE MATTER OF:

Ganiseti Satyanarayana & Anr

..... Applicant(s)

Versus

Union of India & Ors

.....Respondent(s)

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Signed and verified on this 24th day of January, 2024 at Chennai.


Counsel for CPCB




Deponent
H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 054

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O.A.NO. 141 OF 2023 (SZ)

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... Applicants

Vs.

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... Respondents

**REPLY AFFIDAVIT FILED ON BEHALF OF THE 4TH RESPONDENT, CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 54 years, having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm and sincerely state as follows: -

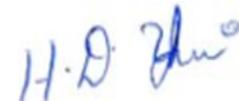
1. I Submit that, I am presently working as the Regional Director, Regional Directorate (South), Central Pollution Control Board (hereinafter referred to as CPCB). I am fully conversant with the facts of the case and have been authorized to file the present affidavit on behalf of the Respondent No. 4, i.e. CPCB.
2. I submit that, the averments made under the heading “Facts of the case” in Para no. 1 are about the details of Jawaharlal Nehru Pharma City developed by Visakha Pharma City Ltd in Thanam Village, Parwada Mandal, Anakapalli District of Andhra Pradesh and Environment Clearance issued by MoEF&CC to Ramky Pharma city (herein after referred as Respondent No.6), which are matter of record and hence, requires no comments from this answering Respondent.




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 Regional Director
 CENTRAL POLLUTION CONTROL BOARD
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 Regional Directorate (Chennai)
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 Ambattur Industrial Estate, Chennai - 600 058

3. I submit that, the averments made in Para no. 2 are about the violation of the conditions mentioned in Environmental Clearance and the subsequent Directions issued by Andhra Pradesh Pollution Control Board (hereinafter referred as APPCB) and therefore the same requires no comments from this answering Respondent.
4. I submit that, the averments made in Para no. 3 are about Thanam village located near the Ramky Pharma city and land purchased by Respondent No.6 in Thanam village and therefore the same is requires no comments from this answering Respondent.
5. I submit that, the averments made under the heading “Pollution Caused by the Ramky Pharmacity” in Para Nos. 4 and 6 refer to News reports dated 28.12.2022 and 28.08.2021 related to industrial accidents in Ramky Pharmacity and demanding relocation of villagers of Tadi Village. Further in Para 5 refers to First Information Report dated 29/09/2016 which are matter of record and hence, requires no comments from this answering Respondent.
6. I submit that the averments made in Para Nos. 7 and 8 refer to the inspections carried out and directions issued by Respondent No.3 i.e., APPCB and therefore, the same requires no comments from this answering Respondent.
7. I submit that the averments made in Para No. 9 refers to the directions issued by CPCB under section 5 of Environment (Protection) Act,1986; show cause to M/s Coastal Waste Management Project, Parawada, Visakhapatnam, Andhra Pradesh; M/s Hyderabad Waste Management Project, Dundigal, Hyderabad, Telangana and M/s Stilbene Bio Pharma Ltd (Pharmaceutical Industry), Parawada, Visakhapatnam, Andhra Pradesh. With regard to directions issued by CPCB to M/s Coastal Waste Management Project and M/s Hyderabad Waste Management Project, it is submitted that both the above facilities are Common Hazardous Waste Treatment, Storage and Disposal Facilities (TSDFs). These facilities are involved in treatment and disposal of industrial hazardous wastes.




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Regional Director
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Regional Directorate (Chennai)
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In order to upgrade infrastructures for stabilization of hazardous waste and management of leachate generated from the secure landfills of the TSDF, CPCB vide dated 13.06.2018 issued directions under Section 5 of Environment (Protection) Act, 1986 to all Common TSDFs operating in the country including the above said two facilities for commissioning of the upgraded systems for stabilization and leachate management within the stipulated time period that is by 15.10.2018. Thereafter, CPCB issued Show Cause Notice dated 29.07.2019 under Section 5 of Environment (Protection) Act, 1986 for imposing environmental compensation for not complying with directions within the stipulated time period that is 15.10.2018 and also to ensure compliance to CPCB directions. As per the compliance verification carried out by CPCB during June-July, 2022, both the TSDFs i.e. M/s Coastal Waste Management Project and M/s. Hyderabad Waste Management Project have complied to CPCB directions with respect to upgrading the facilities for stabilization of hazardous waste and management of leachate generated from the secure landfills on 24.11.2018 and 03.01.2019 respectively against the target time of 15.10.2018. The CPCB issued directions dated 13.04.2018 under Section 5 of E(P)A, 1986 (show cause) to M/s Stilbene Bio Pharma Ltd (Pharmaceutical Industry), Parawada, Visakhapatnam, Andhra Pradesh for not providing Online Continuous Effluent Monitoring System (OCEMS) connectivity to CPCB server. As no response was received from the industry, CPCB issued directions dated 12.06.2018 to the industry to close down the operation. The industry installed OCEMS for flow meters and web camera and provided connectivity to the CPCB server and informed CPCB through letter dated 22.06.2018. In view of compliance with the directions and installation of OCEMS, CPCB through direction dated 23.08.2018 revoked the closure Direction issued to the industry.

8. I submit that the averments made in Para No. 10 refer to the complaint made by Sarpanch of Thanam Village to Parawada Mandal Police Station, Tashildar of Parawada and District Collector regarding digging of ponds and construction by Respondent No.6 in Thanam Village which are matter of record and hence, requires no comments from this answering Respondent.



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9. I submit that, the averments made in Para no. 11 refers to notice dated 20.07.2022 issued by Respondent No.3 i.e., APPCB to CETP in Ramky Pharamcity regarding construction of ponds and the reply given by the Respondent No.6 to APPCB which are matter of record and hence, requires no comments from this answering Respondent.
10. I submit that the averments made in Para No. 12 refers to First Information Report filed in District Vishakapatnam Rural Police Station, Anakapalli on 28.09.2020 which are matter of record and hence, requires no comments from this answering Respondent.
11. I submit that the averments made in Para No. 13 refers to complaint filed by the Applicant No.1, Sh. Ganisetti Satyanarayan in APPCB, Regional Office Vishakhapatnam against the illegal construction of ponds by M/s Visaka Pharma City Ltd, Jawaharlal Nehru Pharma City, Parawada, Anakapalli, which are matter of record and hence, requires no comments from this answering Respondent.
12. I submit that the averments made in Para No. 14 refer the reply provided by Respondent No.3 i.e. APPCB to the Applicant No.1 in response to the complaint and the response of Respondent No.6 regarding construction of storm water drains and ponds in pharma city and recommendations of External Advisory Committee (Task Force) of APPCB on proposal to construct rain water detention and monitoring pond. It is humbly submitted that the averments pertain to Respondent No.3 and therefore the same requires no comments from this answering Respondent.
13. I submit that the averments made in Para No. 15 refers the orders passed by the Hon'ble National Green Tribunal in cases on accidents took place in different pharmaceutical companies inside the Ramky Pharamcity, which are matter of record and therefore the same requires no comments from this answering Respondent.
- It is humbly submitted that, it is pertinent to state that, similar issue is pending before this Hon'ble Tribunal in O.A. No. 23 of 2022 (SZ) Kambala Ammoriya Vs Union of India regarding marine discharge of treated effluent from M/s. Hetero Infrastructure SEZ Ltd and Hetero Laboratories Ltd, Narasapuram village, Nakkapalli Mandal, Visakhapatnam.



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The CPCB is a member of the joint committee constituted by the Hon'ble NGT (SZ). The Joint Committee inspected the industry and submitted the report to the Hon'ble NGT (SZ). Shri. Kambala Ammoriya & Others filed an application against M/s. Hetero Infrastructure SEZ Ltd., & M/s. Hetero Laboratories Ltd., N-Narasapur village, Nakkapalli Mandal, Vizag Dt., for non-compliance of EC and Consent conditions, discharging the effluent without treatment, discharging the chemicals into the sea through pipelines and lay down the pipeline in CRZ without obtaining the permission before the Hon'ble NGT, Southern Bench, Chennai. The Joint Committee constituted in this regard, inspected the site and the industry on 29.03.23 & 30.03.2023 and submitted the report before the Hon'ble NGT. The same was accepted by Hon'ble NGT, but the industry as well as the Applicant has raised objections and sought time to file the same in writing. The next date of hearing is on 30.01.2024.

The main observations of the Joint Committee are as follows:

- i. The unit has installed and operated a desalination plant in the CRZ area without obtaining the prior approval and Consent from MoEF&CC and APPCB.
- ii. The Unit had attempted to lay down the new pipeline with higher capacity in place of the existing two pipelines without obtaining the prior approval and Consent from MoEF&CC and APPCB.
- iii. The Joint Committee has recommended the upgradation of single stage scrubber to double stage scrubbers at production blocks to control Process emission and odour nuisance
- iv. The Joint Committee has recommended EC for an amount of Rs.6,94,95,000/- for the non-compliance of EC conditions and Consent Conditions
- v. The Joint Committee has recommended to white top all the approach roads in order to arrest the re-suspension of dust.
- vi. The Joint Committee has recommended to establish Water ATM for drinking water supply and conduct medical camps twice in a month in the surrounding villages.



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14. I submit that the averments made in Para No. 16 refers the details of proximity of residential area to the Ramky Pharmacy and therefore the same requires no comments from this answering Respondent.
15. I submit that the averments made under the heading “Accidents in Ramky Pharmacy” in Para Nos.17 to 20 refers to three industrial accidents that took place on 14.07.2020, 29.11.2021 and 08.08.2022 in the Ramky Pharmacy, Parawada, which are matter of record and hence, requires no comments from this answering Respondent.
16. I submit that the averments made under the heading “Pollution of water bodies” in Para no. 21 refers the News articles related to pollution of water bodies and death of fish during rainy season in Parawada Panchayat. It is humbly submitted that the State Pollution Control Boards have been created in all States under Section 4 of the Water (Prevention & Control of Pollution), Act 1974 and under Section 5 of the Air (Prevention & Control of Pollution), Act 1981, to implement the provisions of these Acts in respect of their territorial Jurisdiction. The State Pollution Control Board has been empowered and conferred to implement the provisions of these Acts as stipulated therein. Therefore, APPCB is empowered to implement the provisions of these Acts.

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No.4 i.e., CPCB shall abide by any order or directions passes by this Hon’ble Tribunal.



H.D. Varalaxmi

DEPONENT

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Regional Director
CENTRAL POLLUTION CONTROL BOARD
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VERIFICATION

It is verified that the content of this reply statement which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 24th day of January, 2024 at Chennai.



H.D. Varalaxmi

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**REPLY AFFIDAVIT SUBMITTED ON
BEHALF OF THE CENTRAL
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(CPCB)**

RESPONDENT NO. 4

Advocate Smt. Revathi Manivannan

COUNSEL FOR CPCB