

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

OA No 147 OF 2023

IN THE MATTER OF:

RUPESH BARMA

..... Applicant

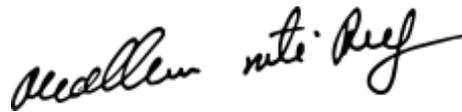
Vs

UNION OF INDIA AND OTHERS

..... Respondents

REPORT FILED BY THE APPCB 3rd RESPONDENT

DATE – 04.04.2024



M/s MADHURI DONTI REDDY

ADVOCATE

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

Mobile: 98407 98460 / 63831 21322,

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

APPEAL No. 147 of 2023

Between

Rupesh Barma,

Andhra Pradesh.

Vs

..... Applicant.

Union of India

Rep. by its Secretary,

Ministry of Environment, Forests and Climate Change,

New Delhi And Others

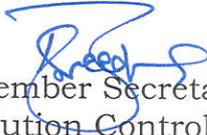
..... Respondents

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It is certified that all the documents contained in the above annexure are true copies.

Date: 04.03.2024


Member Secretary
A.P. Pollution Control Board,
Vijayawada.
MEMBER SECRETARY
A.P. Pollution Control Board
VIJAYAWADA-520 007.

REPORT FILED ON BEHALF OF THE ANDHRAPRADESH POLLUTION CONTROL BOARD IN ORIGINAL APPLICATION NO.147 OF 2023(SZ) FILED BY Sri RUPESH BARMA, IN THE MATTER OF M/S. POROUS LABORATORIES LIMITED, ELURU DISTRICT.

1. The Hon'ble NGT, Southern Bench, Chennai, in its order dt. 13.02.2024 in O.A. No. 147 of 2024 filed by Sri Rupesh Barma, in the matters of issue of M/s. Porous Laboratories Ltd., Eluru District, A.P., issued the following order: **(Annexure-I)**.

"6. Let the Pollution Control Board file a report as to whether there are any siting criteria and if so, whether this unit followed it or violated the same. If there are no siting criteria prescribed by the Pollution Control Board for the establishment of pharmaceutical units, let the Andhra Pradesh Pollution Control Board formulating guidelines for such units.

7. Post the matter on 28.02.2024."

2. It is submitted that, most of the Pharmaceutical units in the State of Andhra Pradesh have been established in the Special Economic Zones (SEZs)/ industrial estates/ industrial parks. Few industries established outside the industrial areas also with ZLD.
3. Andhra Pradesh Pollution Control Board has not formulated any siting criteria for the establishment of pharmaceutical units outside the Special Economic Zones (SEZs), industrial parks/ industrial estates. However, the APPCB formulated the Siting Guidelines for establishment of industries with respect to distance from the roads are as follows:

S. No.	Category	width of buffer zone to be maintained from the Road Land Boundary to the industry shed		
		National Highways	State Highways	MDR / Village Roads
1	Red	50 m	40 m	20 m
2	Orange	25 m	20 m	10 m
3	Green	Exempted from the distance criteria.		

- i. The buffer zone shall be permitted to utilise for the following:

- Vehicle parking.
 - Administrative building and security office.
 - Green belt.
 - Electrical Substation / transformers.
 - Fuel Station.
 - Water supply sumps and
 - Other non-industrial activities.
- ii. These guidelines shall be applicable to industries other than those categories of industries for which specific guidelines are formulated by the Board.
- iii. These guidelines are not applicable to the industries to be located within industrial estates (**Annexure-II**).
4. The APPCB vide letter dt:01.03.2024 requested the Central Pollution Control Board to formulate the siting guidelines at National level for establishment of pharmaceutical units outside the Special Economic Zones (SEZs), industrial parks/ industrial estates in the larger interest of environment as the Pharmaceutical industry is spread across many states and is also a highly pollution prone industry (**Annexure-III**).



Member Secretary

MEMBER SECRETARY
A.P. Pollution Control Board
VIJAYAWADA-520 007.

Item No.09:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Original Application No.147 of 2023 (SZ)

IN THE MATTER OF:

Rupesh Barma
Andhra Pradesh

...Applicant(s)

With

Union of India
Rep. by its Secretary
Ministry of Environment, Forest & Climate Change,
New Delhi and Ors.

... Respondent(s)

Date of hearing: 13.02.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Mr. R. Thirunavukarasu for R1.
Mrs. Madhuri Donti Reddy for R3 & R4.
Mr. Gautam Bajaj for R5.

ORDER

1. Today, there is no representation for the applicant.
2. The reports of the Joint Committee as well as the Project Proponent (Respondent No.5) are filed.
3. The main objection of the applicant (party-in-person) is that the industry is situated in the residential zone. The said aspect is denied by the Project Proponent stating that it is in the Special Economic Zone (SEZ). However, the said fact has not been mentioned in the counter.
4. Admittedly, there was a fire accident in the unit in the year 2022, after which, the company is yet to commence its operation. Even the said fact is not mentioned in the counter affidavit of the Project Proponent.
5. The report of the Joint Committee specifically states that this a frivolous complaint, as earlier also the same complainant had made an application before this Tribunal and later, the same was withdrawn and these complaints are filed either in the name of the applicant or in his brother's name. The report of the Joint Committee further states that there are no siting criteria for the establishment of pharmaceutical units.
6. Let the Pollution Control Board file a report as to whether there are any siting criteria and if so, whether this unit followed it or violated the same. If there are no siting criteria prescribed by the

Pollution Control Board for the establishment of pharmaceutical units, let the Andhra Pradesh Pollution Control Board formulate guidelines for such units.

7. Post the matter on 28.02.2024.

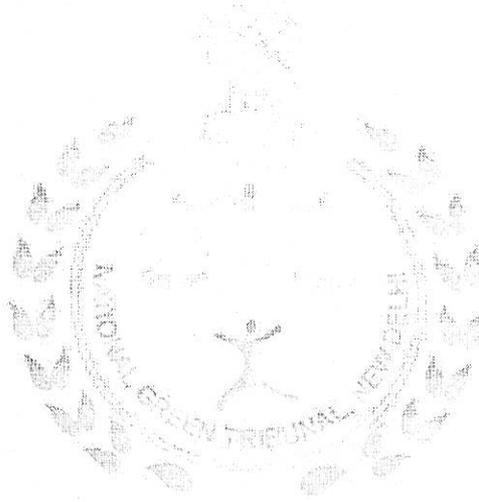
Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.147/2023 (SZ)
13th February 2024. Mn.





ANDHRA PRADESH POLLUTION CONTROL BOARD
PARYAVARAN BHAVAN, A - 3, INDUSTRIAL ESTATE,
SANATHNAGAR, HYDERABAD - 500 018

Phone: 23887500

Website : www.appcb.ap.nic.in

Circular No. 63 /PCB/CFE/HO/Siting Guidelines/2016**Dt: 06.05.2017**

Sub: APPCB – CFE – Revision of siting guidelines for establishment of industries with respect to distance from the roads – Communicated - Reg.

Ref: Board Resolution No. 98/2017 of 5th Board meeting held on 20.04.2017.

* * *

You are aware that in the year 1998, the Government of Andhra Pradesh / National Highway Authority had taken up the widening of important roads in the State of Andhra Pradesh. It was felt that adequate green belt is also necessary between the industry and major roads which forms a barrier to

- Mitigate the propagation of Air pollutants from the industry towards roads abutting the site,
- Maintain safety zone between the industry / industrial estate, and
- Reduce the impact of the noise pollution.

In view of the above, the Board vide resolution no. 1208 approved the minimum distances from the boundary of National Highway, State Highway, Major District roads / Village roads as following:

- National Highway shall be - 100 m.
- State Highway shall be - 50 m.
- MDMR / Village roads shall be - 25 m.

The State of Andhra Pradesh was bifurcated and the residual state of Andhra Pradesh was formed. The coastal districts of Andhra Pradesh are thickly populated and available land has become more precious. Most of the important Highways are widened by the Government. During this period of 18 years after formulation of above guidelines, the pollution control equipments of the industries are upgraded with latest technology to control the pollution generated from the industries more effectively. It reduces the rejection of applications of industries simply based on distance criterion from the roads.

In view of the above, the revised guidelines with respect to distance between the industries and the roads are formulated. In the 5th Board Meeting held on 20.04.2017 vide resolution no. 98/2017; the Board approved the following revised guidelines with respect to distance between the industries and the roads:

S.No.	Category	width of buffer zone to be maintained from the Road Land Boundary to the industry shed:		
		National Highways	State Highways	MDR / Village Roads
1	Red	50 m	40 m	20 m
2	Orange	25 m	20 m	10 m
3	Green	Exempted from the distance criteria.		

➤ The buffer zone shall be permitted to utilise for the following:

- Vehicle parking.
- Administrative building and security office.
- Green belt.
- Electrical Substation / transformers.
- Fuel Station.
- Water supply sumps and
- Other non-industrial activities.

- These guidelines shall be applicable to industries other than those categories of industries for which specific guidelines are formulated by the Board.
- These guidelines are not applicable to the industries to be located within industrial estates".

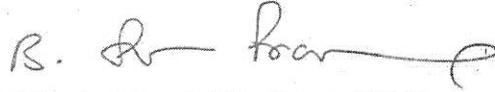
The above instructions shall be implemented scrupulously with immediate effect.

Sd/-
MEMBER SECRETARY

To

1. All the Zonal Officers and Regional Officers, APPCB.
2. Chief Environmental Engineer & Unit Heads 1, 2, 3 and 4 for information.

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



Jt. Chief Environmental Engineer (UH-1)



ANDHRA PRADESH POLLUTION CONTROL BOARD
Paryavaran Bhavan, APIIC Colony Road,
Gurunanak Colony,
Autonagar, Vijayawada- 520007.
Website: www.pcb.ap.gov.in



Lr No.6/APPCB/CTE/HO/2023-1093,

01/03/2024

To
The Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan,
East Arjun Nagar,
Delhi-110032.

Sir,

Sub APPCB –CTE – Hon'ble NGT, Chennai Order in OA No 147 of 2023 (SZ) dt:
: 13.02.2024, filed by Sri Rupesh Barma, in the matters of M/s. Porous laboratories Ltd.,
Eluru – Formulation of siting Guidelines – Requested - Reg.

Ref : The Hon'ble NGT, Chennai Order in OA No.147 of 2023 (SZ) dt: 13.02.2024, filed by
Sri Rupesh Barma, in the matters of M/s. Porous laboratories Ltd., Eluru.

01.03.2024
DESPATCH

It is to inform that, the Hon'ble NGT, Chennai Order in OA No.147 of 2023 (SZ) dt:
13.02.2024 issued the following directions:

"6. Let the Pollution Control Board file a report as to whether there are any siting criteria and if so, whether this unit followed it or violated the same. If there are no siting criteria prescribed by the Pollution Control Board for the establishment of pharmaceutical units, let the Andhra Pradesh Pollution Control Board formulating guidelines for such units.

7. Post the matter on 28.02.2024."

It is informed that, most of the Pharmaceutical units in the State of Andhra Pradesh have been established in the Special Economic Zones (SEZs)/ industrial estates/ industrial parks. Few industries established outside the industrial areas also with ZLD system.

Andhra Pradesh Pollution Control Board has not formulated any siting criteria for the establishment of pharmaceutical units outside the Special Economic Zones (SEZs), industrial parks/ industrial estates. However, the APPCB formulated the Siting Guidelines for establishment of industries with respect to distance from the roads are as follows:

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 - Vehicle parking.
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 - Water supply sumps and
 - Other non-industrial activities.
2. These guidelines shall be applicable to industries other than those categories of industries for which specific guidelines are formulated by the Board.
3. These guidelines are not applicable to the industries to be located within industrial estates (copy enclosed)

In view of the above, the Central Pollution Control Board is requested to formulate the siting guidelines at National level for establishment of pharmaceutical units outside the Special Economic Zones (SEZs), industrial parks/ industrial estates in the larger interest of environment as pharmaceutical industry is spread across many states and is also a highly pollution prone industry.

Yours faithfully,

**B SREEDHAR IAS,
MS(BS), O/o MEMBER SECRETARY-
APPCB**

Enclosures: Hon'ble NGT, Chennai Order dt: 13.02.2024.