

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

ORIGINAL APPLICATION No. 179 of 2021 (SZ)

Tribunal on its own motion
Suo Motu based on the new item published
In Eenadu Telugu News Paper, Andhra Pradesh Edition,
Kurnool District, Dt. 20.7.2021,
"Mixing of Potstone (Naparallu) Excavation being done
Without leaving margin on either side of the roads"

... Applicant(s)

vs

Chief Secretary to Government of Andhra Pradesh,
1st Block, 1st Floor, Interim Government Complex,
A.P. Secretariat Office, Velagapudi,
Guntur, Andhra Pradesh – 522 237 and 7 others

... Respondents

STATUS REPORT FILED BY THE APPCB 7TH RESPONDENT

Date- 05-07-2023



**M/S MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNCIL FOR GOVERNMENT OF
ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

26,S2, Royal Castle, Gill Nagar Extension, Choolaimedu,
Chennai – 600 094. Mobile: 98407 98460 / 6383121322

COUNSEL FOR 7TH Respondent

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 179 of 2021

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU based on the News item in
Eenadu Telugu News Paper, A.P, Kurnool District on 20.07.2021
UNDER THE CAPTION "MINING OF POTSTONE (NAPARALLU)
EXCAVATION BEING DONE WITHOUT LEAVING
MARGINS ON EITHER SIDE OF THE ROADS"

...Applicant(s)

Versus

The Chief Secretary to Government of Andhra Pradesh and Others.

...Respondent(s)

INDEX

S. No.	Particulars	Page No.
1.	Latest Status Report on Hon'ble National Green Tribunal Southern Zone, Chennai in Original Application No.179 of 2021 (SZ).	1-5
2.	Annexure – I The APPCB, Zonal Office, Kurnool has issued Show cause notice by levying the Environmental Compensation to the defaulting mining units on 07.02.2023.	6-22

Place: Kurnool.
Date: 5-07-2023

LATEST STATUS REPORT OF A. P. POLLUTION CONTROL BOARD
SUBMITTED IN COMPLIANCE TO HON'BLE NGT (SZ) ORDER DATED.
19.04.2023 IN O.A. NO. 179 OF 2021

1. It is submitted that the matters are pertaining to newspaper report under caption "Mining of Potstone (Naparallu) excavation being done without leaving margins on either side of the roads and the Hon'ble NGT registered the case Suo Motu in O.A. No. 179 of 2021. The A.P. Pollution Control Board is 7th respondent in O.A. No.179 of 2021.
2. It is submitted that, this Hon'ble NGT vide order dated.03.01.2022, directed the concerned departments to implement the recommendations of the Committee. On verification of the recommendations/ suggestions of the Joint Committee, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board. With regard to violations noted by the Joint Committee, pertaining to the ministry of Environment & Forest Govt., of India & APPCB are **i.** Operating the Mining units without obtaining EC **ii.** Operating the Mining units without obtaining CFE & CFO of the Board. Whereas, the issue of Environmental Clearances and the compliance is related to the ministry of Environment & Forest Govt., of India and not by the A.P. Pollution Control Board.
3. It is submitted that, In the Joint Committee Report, the committee has suggested certain remedies to prevent illegal quarrying and transportation of minerals out of 9 at point No.5, suggested that, the Department of Mines and Geology shall issue way bills only after

producing the statutory requirements such as Approved Mining Plan (AMP), Environmental Clearance (EC), Consent for Establishment (CFE) and Consent for Operation (CFO).

4. It is further submitted that, with regard to action on mining units which are doing quarrying operations in the buffer margin of Palkur - Ramakrishnapuram village cart track (with quarry leases) & Road (without quarry Leases) the A.P. Pollution Control Board has served Show Cause-cum-Legal Hearing Notice to defaulting lessees duly giving an opportunity for hearing before the ensuing External Advisory Committee Meeting.
5. It is submitted that on 06.12.2022, as per the recommendations of the External Advisory Committee, the Zonal Office, Kurnool has issued closure orders to 9 Nos. for illegal operation of the mining units without statutory requirements such as Approved Mining Plan (AMP), Environmental Clearance (EC), Consent for Establishment (CFE) and Consent for Operation (CFO).
6. It is submitted that this Hon'ble National Green Tribunal, Southern Zone, Chennai, order dt 05.12.2022 in Original Application No. 179/2021. In this regard it is humbly submitted that, in the order it was mentioned that, ***"We noticed from the report that the Pollution Control Board has not levied environmental compensation when the list of violators and violations are already in place"***.
7. It is submitted that on 14.12.2022, the AP Pollution Control Board, Regional Office, Kurnool has addressed a letter to Deputy Director of Mines & Geology, Kurnool and requested to submit the required

information as early as possible for calculating the Environmental Compensation by the APPCB and also requested to produce the photographs of those areas where the road margins/the buffer area have been quarried and restored and for onward submission to NGT. However, the Deputy Director of Mines and Geology (FAC), Kurnool has informed that, they have addressed a letter to the Director of Mines and Geology, Ibrahimpatnam referring the APPCB's letter dt. 06.08.2022. In the letter dt. 11.10.2022, the Deputy Director of Mines and Geology (FAC), Kurnool at point No. IV, with regard to Quantity of Mineral produced / dispatched (year wise), Cumulative quantity dispatched, work permits issued if any and solid waste generated by the violators.

8. It is submitted that On 21.12.2022, the AP Pollution Control Board, Regional Office, Kurnool has again addressed a letter to Deputy Director of Mines & Geology, Kurnool and requested to submit the information pertaining to total project cost & total turnover during the period of violation for illegal operation of the mining units without statutory requirements such as Approved Mining Plan (AMP), Environmental Clearance (EC), Consent for Establishment (CFE) and Consent for Operation (CFO) for calculating the Environmental Compensation by APPCB and for onward submission to NGT.

9. It is submitted that on 28.04.2023, the Regional Office, Kurnool has requested the Director of Mines and Geology, Kurnool to furnish the details of identified Violators, action taken by Department of Mines and Geology against them, If any one of them has already got an existing lease whether they can be permitted to continue with the lease if they are found to be violators and also requested to produce the photographs of those areas where the road margins/the buffer area have been quarried and restored and for onward submission to NGT.
10. It is submitted that on 16.06.2023, the Regional Office, Kurnool has requested the Board Office, Vijayawada to issue necessary directions to the defaulting mining units duly levying Environmental Compensation in co-ordination with the JCEE, Zonal Office, Kurnool for onward submission to Hon'ble NGT as per the directions of legal Cell, Board Office, Vijayawada.
11. It is submitted that on 01.07.2023, the Regional Office, Kurnool has requested the Zonal Office, Kurnool as per the directions of Member Secretary, APPCB, Board Office, Vijayawada, it is once again requested to take immediate action to levy the environmental compensation on the defaulting lime stone slab mining units covered in O. A. No. 179 of 2021 duly examining the replies furnished by them and giving due opportunity of hearing and also directed file report in Hon'ble NGT in O.A No. 179 of 2021 (SZ) in consultation with Board's Standing Counsel well before the due date without fail

12. It is submitted that the APPCB, Zonal office, Kurnool is in the process of levying the Environmental Compensation to the defaulting 9 mining units. After receipt of the replies from the defaulting mining units for the Show cause notices issued by the Zonal Office, Kurnool duly giving an opportunity of hearing, the Board will levy the Environmental Compensation.

This further report is submitted to the Hon'ble NGT in due compliance of the directions issued by this Hon'ble Tribunal. The APPCB will abide by all such directions as this Hon'ble Tribunal may deem fit and appropriate.

Dated at Kurnool, A.P. on this the 5th day of July, 2023.

VENKATESWARA
RAO KANDAVALLI

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For A.P. Pollution Control Board
Joint Chief Environmental Engineer
A.P. Pollution Control Board
Zonal Office, KURNOOL.

ANNEXURE - I



ANDHRA PRADESH POLLUTION CONTROL BOARD

ZONAL OFFICE: KURNOOL

1st Floor, Shankar Shopping Complex, Krishna Nagar Main Road, Kurnool

Phone :08518- 236912,
e-mail: jceezoknl@gmail.com

Lr. No.Gen-205/APPCB/ZO-KNL/CTO/2022 - 541

Date: 07.02.2023

SHOW CAUSE NOTICE

Sub : APPCB – ZO - KNL – K.Ramanjaneyulu, Sy.No.286 of Palkur (V), Banaganapalle Mandal, Kurnool District – Operating the mining unit without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board thereby violating Boards directions - Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014 & Original Application No. 179/2021 filed in Hon'ble NGT, South Zone, Chennai – Hon'ble NGT(SZ), Chennai orders dt:15.07.2022, 13.09.2022 & 05.12.2022 – **Levy of Environmental Compensation - Show cause Notice - Issued – Reg.**

Ref :

1. Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014.
2. Hon'ble National Green Tribunal (South Zone), Chennai in the matter of O.A. No. 179/2021orders, Dt.11.08.2021.
3. Joint Committee inspections on 02.09.2021 & 03.09.2021.
4. Joint Committee report dt.07.12.2021.
5. The Member Secretary, APPCB directions dt. 05.11.2022.
6. Zonal Office, Kurnoolissued closure orders on 06.12.2022.
7. Hon'ble National Green Tribunal (South Zone), Chennai in the matter of O.A. No. 179/2021orders, Dt.05.12.2022.
8. RO, Kurnool mail dated 23.12.2022.
9. RO, Kurnool report dated 28.12.2022 & 27.01.2023.

WHEREAS, you are operating Lime stone slab in the name & style of K.Ramanjaneyulu, Sy.No.286 of Palkur (V), Banaganapalle Mandal, Kurnool District.

WHEREAS, it is statutory for the mining unit to obtain Consent to Operation (CTO) of the Board under Section 25/26 of Water Act and 21/22 of Air Act, but you are operating the mining unit without valid Consent to Operation of the Board which is punishable under Section 44 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 33 of the Air (Prevention & Control of Pollution) Act, 1981.

WHEREAS, the Hon'ble Supreme Court of India, vide reference 1st cited above, in its judgment order dt.02.08.2017 in WP (C) No. 114 of 2014 directed the concerned authorities to take appropriate action against illegal operation of mining activities carried out in violation of EPAct, Water Act and Air Act.

WHEREAS, the Hon'ble National Green Tribunal (South Zone), Chennai vide reference 2nd cited above, passed an order in Original Application No. 179/2021, to submit the Joint Committee report on the Mining of potstone [Naparallu] excavation being done without leaving margins on either side of the roads, and further the committee is directed to ascertain as to (i) whether the persons who are carrying on the mining activity in that area are having necessary permission / clearance / consent as required under the environment laws, (ii) whether any excess mining has been done in violation of the conditions (if any) imposed, then they are directed to ascertain the quantity of excess mining and impose environmental compensation, apart from imposing penalty and royalty for excess mining and also for cost restoration of damage caused to the environment, (iii) if there is any illegal mining done by any persons, what is the nature of action taken by the authorities, apart from realizing penalty and royalty and imposing environmental compensation against them depending on the quantity mined and (iv) whether any action has been taken against the owners of the vehicles which are involved in illegal transport of such illegally mined minerals.

WHEREAS, as per the directions of the Hon'ble NGT the Board office, Vijayawada had directed the Regional Office, Kurnool to submit an independent report to the Board for filing in the Hon'ble NGT regarding the action taken on the basis of the recommendations / suggestions and also the violations noted by the Joint Committee.

WHEREAS, in the Joint Committee Report, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board and with regard to violations pertaining to the ministry of Environment & Forest Govt., of India & APPCB are

- i. Operating the Mining units without obtaining EC
- ii. Operating the Mining units without obtaining CTE & CTO of the Board.

WHEREAS, the Zonal office, Kurnool vide reference 7th cited above, issued closure order to the mining units for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board.

WHEREAS, the EE, RO, Kurnool vide reference 9th cited above, submitted that as per the CPCB Methodology for Assessing Environmental Compensation the formula is as follows :

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC is Environmental Compensation in INR
PI = Pollution Index of industrial sector
N = Number of days of violation took place
R = A factor in Rupees (Rs.250/-) for EC
S = Factor for scale of operation
LF = Location factor

Mining units comes under Red Category

In the Hon'ble NGT (SZ) O.A. No. 179 of 2021, the main issue is excavation of road in between Palkur - Ramakrishnapuram Village of Banaganapalle Mandal as per the Joint committee report dt.07.12.2022.

Sl.No.	Name of the industry	PI	S	F	R (Rs.)	N (days)	Environmental Compensation (Rs.)
1.	K.Ramanjaneyulu (Ext: 0.846 Hects) Sy.No.286 of Palkur Village, Banaganapalle (M), Kurnool Dist.	80	0.5	1	250	478	47,80,000.00

In view of above, you are hereby directed to show cause as to why the Board shall not levy environmental compensation for an amount of Rs.47,80,000/- (Rupees forty seven Lakhs Eighty thousand only) against M/s.K.Ramanjaneyulu, Sy.No.286 of Palkur (V), Banaganapalle Mandal, Kurnool District for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board and also for non-compliance of the Board directions within 15 days.

Further, you are directed to furnish reply to the Show Cause Notice within 15 days from the date of issue of this notice, failing which necessary orders will be passed on levying of the aforesaid environmental compensation under section 31(A) of Air (Prevention & Control of Pollution) Amendment Act and under section 33(A) of Water (Prevention & Control of Pollution) 1974 & under relevant sections of E(P) Act, 1986, without any further notice.

VENKATESWARA
RAO KANDAVALLI

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RAO KANDAVALLI
Date: 2023.02.07 11:26:38 +05'30'

**JOINT CHIEF ENVIRONMENTAL ENGINEER
ZONAL OFFICE, KURNOOL**

To
K.Ramanjaneyulu (Ext: 0.846 Hects),
Sy.No.286 of Palkur Village,
Banaganapalle Mandal, Kurnool District.

Copy to:

1. The Member Secretary, Board Office, Vijayawada for information and necessary action.
2. The Environmental Engineer, Regional Office, Kurnool for information and necessary action.



ANDHRA PRADESH POLLUTION CONTROL BOARD

ZONAL OFFICE: KURNOOL

1st Floor, Shankar Shopping Complex, Krishna Nagar Main Road, Kurnool

Phone :08518- 236912,

e-mail: jceezoknl@gmail.com

Lr. No.Gen-205/APPCB/ZO-KNL/CTO/2022

Date: 07.02.2023

SHOW CAUSE NOTICE

Sub : APPCB – ZO - KNL – Shaik Hussain Saheb, Sy.No.288/3 of Palkur (V), Banaganapalle Mandal, Kurnool District – Operating the mining unit without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, GoI, Andhra Pradesh and CTE & CTO of the Board thereby violating Boards directions - Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014 & Original Application No. 179/2021 filed in Hon'ble NGT, South Zone, Chennai – Hon'ble NGT(SZ), Chennai orders dt:15.07.2022, 13.09.2022 & 05.12.2022 – **Levy of Environmental Compensation - Show cause Notice - Issued – Reg.**

Ref : 1. Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014.
2. Hon'ble National Green Tribunal (South Zone), Chennai in the matter of O.A. No. 179/2021orders, Dt.11.08.2021.
3. Joint Committee inspections on 02.09.2021 & 03.09.2021.
4. Joint Committee report dt.07.12.2021.
5. The Member Secretary, APPCB directions dt. 05.11.2022.
6. Zonal Office, Kurnoolissued closure orders on 06.12.2022.
7. Hon'ble National Green Tribunal (South Zone), Chennai in the matter of O.A. No. 179/2021orders, Dt.05.12.2022.
8. RO, Kurnool mail dated 23.12.2022.
9. RO, Kurnool report dated 28.12.2022 & 27.01.2023.

WHEREAS, you are operating Lime stone slab in the name & style of Shaik Hussain Saheb, Sy.No.288/3 of Palkur (V), Banaganapalle Mandal, Kurnool District.

WHEREAS, it is statutory for the mining unit to obtain Consent to Operation (CTO) of the Board under Section 25/26 of Water Act and 21/22 of Air Act, but you are operating the mining unit without valid Consent to Operation of the Board which is punishable under Section 44 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 33 of the Air (Prevention & Control of Pollution) Act, 1981.

WHEREAS, the Hon'ble Supreme Court of India, vide reference 1st cited above, in its judgment order dt.02.08.2017 in WP (C) No. 114 of 2014 directed the concerned authorities to take appropriate action against illegal operation of mining activities carried out in violation of EPA Act, Water Act and Air Act.

WHEREAS, the Hon'ble National Green Tribunal (South Zone), Chennai vide reference 2nd cited above, passed an order in Original Application No. 179/2021, to submit the Joint Committee report on the Mining of potstone [Naparallu] excavation being done without leaving margins on either side of the roads, and further the committee is directed to ascertain as to (i) whether the persons who are carrying on the mining activity in that area are having necessary permission / clearance / consent as required under the environment laws, (ii) whether any excess mining has been done in violation of the conditions (if any) imposed, then they are directed to ascertain the quantity of excess mining and impose environmental compensation, apart from imposing penalty and royalty for excess mining and also for cost restoration of damage caused to the environment, (iii) if there is any illegal mining done by any persons, what is the nature of action taken by the authorities, apart from realizing penalty and royalty and imposing environmental compensation against them depending on the quantity mined and (iv) whether any action has been taken against the owners of the vehicles which are involved in illegal transport of such illegally mined minerals.

WHEREAS, as per the directions of the Hon'ble NGT the Board office, Vijayawada had directed the Regional Office, Kurnool to submit an independent report to the Board for filing in the Hon'ble NGT regarding the action taken on the basis of the recommendations / suggestions and also the violations noted by the Joint Committee.

WHEREAS, in the Joint Committee Report, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board and with regard to violations pertaining to the ministry of Environment & Forest Govt., of India & APPCB are

- i. Operating the Mining units without obtaining EC
- ii. Operating the Mining units without obtaining CTE & CTO of the Board.

WHEREAS, the Zonal office, Kurnool vide reference 7th cited above, issued closure order to the mining units for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board.

WHEREAS, the EE, RO, Kurnool vide reference 9th cited above, submitted that as per the CPCB Methodology for Assessing Environmental Compensation the formula is as follows :

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC is Environmental Compensation in INR
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Mining units comes under Red Category

In the Hon'ble NGT (SZ) O.A. No. 179 of 2021, the main issue is excavation of road in between Palkur - Ramakrishnapuram Village of Banaganapalle Mandal as per the Joint committee report dt.07.12.2022.

Sl.No.	Name of the industry	PI	S	F	R (Rs.)	N (days)	Environmental Compensation (Rs.)
1.	Shaik Hussain Saheb (Ext:0.429 Hects), Sy.No.288/3 of Palkur (V), Banaganapalle (M), Kurnool District	80	0.5	1	250	478	47,80,000.00

In view of above, you are hereby directed to show cause as to why the Board shall not levy environmental compensation for an amount of Rs.47,80,000/- (Rupees forty seven Lakhs Eighty thousand only) against M/s.Shaik Hussain Saheb, Sy.No.288/3 of Palkur (V), Banaganapalle Mandal, Kurnool District for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board and also for non-compliance of the Board directions within 15 days.

Further, you are directed to furnish reply to the Show Cause Notice within 15 days from the date of issue of this notice, failing which necessary orders will be passed on levying of the aforesaid environmental compensation under section 31(A) of Air (Prevention & Control of Pollution) Amendment Act and under section 33(A) of Water (Prevention & Control of Pollution) 1974 & under relevant sections of E(P) Act, 1986, without any further notice.

VENKATESWARA
RAO KANDAVALLI
JOINT CHIEF ENVIRONMENTAL ENGINEER
ZONAL OFFICE, KURNOOL

Digitally signed by
 VENKATESWARA RAO KANDAVALLI
 Date: 2023.02.07 11:27:07 +05'30'

To
 Shaik Hussain Saheb (Ext:0.429 Hects),
 Sy.No.288/3 of Palkur (V),
 Banaganapalle (M), Kurnool District.

Copy to:

1. The Member Secretary, Board Office, Vijayawada for information and necessary action.
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e-mail: jceezoknl@gmail.com

Lr. No.Gen-205/APPCB/ZO-KNL/CTO/2022

Date: 07.02.2023

SHOW CAUSE NOTICE

Sub : APPCB – ZO - KNL – M.Chinna Venkataswamy, Sy.No.445/1 of Palkur (V), Banaganapalle Mandal, Kurnool District – Operating the mining unit without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board thereby violating Boards directions - Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014 & Original Application No. 179/2021 filed in Hon'ble NGT, South Zone, Chennai – Hon'ble NGT(SZ), Chennai orders dt:15.07.2022, 13.09.2022 & 05.12.2022 – **Levy of Environmental Compensation - Show cause Notice - Issued – Reg.**

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WHEREAS, it is statutory for the mining unit to obtain Consent to Operation (CTO) of the Board under Section 25/26 of Water Act and 21/22 of Air Act, but you are operating the mining unit without valid Consent to Operation of the Board which is punishable under Section 44 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 33 of the Air (Prevention & Control of Pollution) Act, 1981.

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WHEREAS, in the Joint Committee Report, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board and with regard to violations pertaining to the ministry of Environment & Forest Govt., of India & APPCB are

- i. Operating the Mining units without obtaining EC
- ii. Operating the Mining units without obtaining CTE & CTO of the Board.

WHEREAS, the Zonal office, Kurnool vide reference 7th cited above, issued closure order to the mining units for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board.

WHEREAS, the EE, RO, Kurnool vide reference 9th cited above, submitted that as per the CPCB Methodology for Assessing Environmental Compensation the formula is as follows :

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VENKATESWARA Digitally signed by
RAO KANDAVALLI VENKATESWARA RAO KANDAVALLI
 Date: 2023.02.07 11:27:25 +05'30'
JOINT CHIEF ENVIRONMENTAL ENGINEER
ZONAL OFFICE, KURNOOL

To
 M.Chinna Venkataswamy (Ext: 0.504 Hects)
 Sy.No.445/1 of Palkur (V), Banaganapalle Mandal,
 Kurnool District.

Copy to:

1. The Member Secretary, Board Office, Vijayawada for information and necessary action.
- ✓ 2. The Environmental Engineer, Regional Office, Kurnool for information and necessary action.



ANDHRA PRADESH POLLUTION CONTROL BOARD

ZONAL OFFICE: KURNOOL

1st Floor, Shankar Shopping Complex, Krishna Nagar Main Road, Kurnool

Phone :08518- 236912,

e-mail: jceezoknl@gmail.com

Lr. No.Gen-205/APPCB/ZO-KNL/CTO/2022

Date: 07.02.2023

SHOW CAUSE NOTICE

Sub : APPCB – ZO - KNL – Gundam Venakta Rami Reddy, Sy.No.284 & 285 of Palkur (V), Banaganapalle Mandal, Kurnool District – Operating the mining unit without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, GoI, Andhra Pradesh and CTE & CTO of the Board thereby violating Boards directions - Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014 & Original Application No. 179/2021 filed in Hon'ble NGT, South Zone, Chennai – Hon'ble NGT(SZ), Chennai orders dt:15.07.2022, 13.09.2022 & 05.12.2022 – **Levy of Environmental Compensation - Show cause Notice - Issued – Reg.**

Ref : 1. Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014.
2. Hon'ble National Green Tribunal (South Zone), Chennai in the matter of O.A. No. 179/2021orders, Dt.11.08.2021.
3. Joint Committee inspections on 02.09.2021 & 03.09.2021.
4. Joint Committee report dt.07.12.2021.
5. The Member Secretary, APPCB directions dt. 05.11.2022.
6. Zonal Office, Kurnoolissued closure orders on 06.12.2022.
7. Hon'ble National Green Tribunal (South Zone), Chennai in the matter of O.A. No. 179/2021orders, Dt.05.12.2022.
8. RO, Kurnool mail dated 23.12.2022.
9. RO, Kurnool report dated 28.12.2022 & 27.01.2023.

WHEREAS, you are operating Lime stone slab in the name & style of Gundam Venakta Rami Reddy, Sy.No.284 & 285 of Palkur (V), Banaganapalle Mandal, Kurnool District.

WHEREAS, it is statutory for the mining unit to obtain Consent to Operation (CTO) of the Board under Section 25/26 of Water Act and 21/22 of Air Act, but you are operating the mining unit without valid Consent to Operation of the Board which is punishable under Section 44 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 33 of the Air (Prevention & Control of Pollution) Act, 1981.

WHEREAS, the Hon'ble Supreme Court of India, vide reference 1st cited above, in its judgment order dt.02.08.2017 in WP (C) No. 114 of 2014 directed the concerned authorities to take appropriate action against illegal operation of mining activities carried out in violation of EPA, Water Act and Air Act.

WHEREAS, the Hon'ble National Green Tribunal (South Zone), Chennai vide reference 2nd cited above, passed an order in Original Application No. 179/2021, to submit the Joint Committee report on the Mining of potstone [Naparallu] excavation being done without leaving margins on either side of the roads, and further the committee is directed to ascertain as to (i) whether the persons who are carrying on the mining activity in that area are having necessary permission / clearance / consent as required under the environment laws, (ii) whether any excess mining has been done in violation of the conditions (if any) imposed, then they are directed to ascertain the quantity of excess mining and impose environmental compensation, apart from imposing penalty and royalty for excess mining and also for cost restoration of damage caused to the environment, (iii) if there is any illegal mining done by any persons, what is the nature of action taken by the authorities, apart from realizing penalty and royalty and imposing environmental compensation against them depending on the quantity mined and (iv) whether any action has been taken against the owners of the vehicles which are involved in illegal transport of such illegally mined minerals.

WHEREAS, as per the directions of the Hon'ble NGT the Board office, Vijayawada had directed the Regional Office, Kurnool to submit an independent report to the Board for filing in the Hon'ble NGT regarding the action taken on the basis of the recommendations / suggestions and also the violations noted by the Joint Committee.

WHEREAS, in the Joint Committee Report, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board and with regard to violations pertaining to the ministry of Environment & Forest Govt., of India & APPCB are

- i. Operating the Mining units without obtaining EC
- ii. Operating the Mining units without obtaining CTE & CTO of the Board.

WHEREAS, the Zonal office, Kurnool vide reference 7th cited above, issued closure order to the mining units for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board.

WHEREAS, the EE, RO, Kurnool vide reference 9th cited above, submitted that as per the CPCB Methodology for Assessing Environmental Compensation the formula is as follows :

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC is Environmental Compensation in INR
 PI = Pollution Index of industrial sector
 N = Number of days of violation took place
 R = A factor in Rupees (Rs.250/-) for EC
 S = Factor for scale of operation
 LF = Location factor

Mining units comes under Red Category

In the Hon'ble NGT (SZ) O.A. No. 179 of 2021, the main issue is excavation of road in between Palkur - Ramakrishnapuram Village of Banaganapalle Mandal as per the Joint committee report dt.07.12.2022.

Sl.No.	Name of the industry	PI	S	F	R (Rs.)	N (days)	Environmental Compensation (Rs.)
1.	Gundam Venakta Rami Reddy, Sy.No.284 & 285 of Palkur (V), Banaganapalle Mandal, Kurnool District.	80	0.5	1	250	478	47,80,000.00

In view of above, you are hereby directed to show cause as to why the Board shall not levy environmental compensation for an amount of Rs.47,80,000/- (Rupees forty seven Lakhs Eighty thousand only) against M/s.Gundam Venakta Rami Reddy, Sy.No.284 & 285 of Palkur (V), Banaganapalle Mandal, Kurnool District for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board and also for non-compliance of the Board directions within 15 days.

Further, you are directed to furnish reply to the Show Cause Notice within 15 days from the date of issue of this notice, failing which necessary orders will be passed on levying of the aforesaid environmental compensation under section 31(A) of Air (Prevention & Control of Pollution) Amendment Act and under section 33(A) of Water (Prevention & Control of Pollution) 1974 & under relevant sections of E(P) Act, 1986, without any further notice.

VENKATESWARA Digitally signed by
RAO KANDAVALLI VENKATESWARA RAO KANDAVALLI
 Date: 2023.02.07 11:27:42 +05'30'
JOINT CHIEF ENVIRONMENTAL ENGINEER
ZONAL OFFICE, KURNOOL

To
 Gundam Venakta Rami Reddy
 Sy.No.284 & 285 of Palkur (V),
 Banaganapalle Mandal,
 Kurnool District.

Copy to:

1. The Member Secretary, Board Office, Vijayawada for information and necessary action.
- ✓ 2. The Environmental Engineer, Regional Office, Kurnool for information and necessary action.



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Lr. No.Gen-205/APPCB/ZO-KNL/CTO/2022

Date: 07.02.2023

SHOW CAUSE NOTICE

Sub : APPCB – ZO - KNL – G. Rama Krishna Reddy, Sy.No.284 of Palkur (V), Banaganapalle Mandal, Kurnool District – Operating the mining unit without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board thereby violating Boards directions - Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014 & Original Application No. 179/2021 filed in Hon'ble NGT, South Zone, Chennai – Hon'ble NGT(SZ), Chennai orders dt:15.07.2022, 13.09.2022 & 05.12.2022 – **Levy of Environmental Compensation - Show cause Notice - Issued – Reg.**

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8. RO, Kurnool mail dated 23.12.2022.
9. RO, Kurnool report dated 28.12.2022 & 27.01.2023.

WHEREAS, you are operating Lime stone slab in the name & style of G. Rama Krishna Reddy, Sy.No.284 of Palkur (V), Banaganapalle Mandal, Kurnool District.

WHEREAS, it is statutory for the mining unit to obtain Consent to Operation (CTO) of the Board under Section 25/26 of Water Act and 21/22 of Air Act, but you are operating the mining unit without valid Consent to Operation of the Board which is punishable under Section 44 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 33 of the Air (Prevention & Control of Pollution) Act, 1981.

WHEREAS, the Hon'ble Supreme Court of India, vide reference 1st cited above, in its judgment order dt.02.08.2017 in WP (C) No. 114 of 2014 directed the concerned authorities to take appropriate action against illegal operation of mining activities carried out in violation of EPAct, Water Act and Air Act.

WHEREAS, the Hon'ble National Green Tribunal (South Zone), Chennai vide reference 2nd cited above, passed an order in Original Application No. 179/2021, to submit the Joint Committee report on the Mining of potstone [Naparallu] excavation being done without leaving margins on either side of the roads, and further the committee is directed to ascertain as to (i) whether the persons who are carrying on the mining activity in that area are having necessary permission / clearance / consent as required under the environment laws, (ii) whether any excess mining has been done in violation of the conditions (if any) imposed, then they are directed to ascertain the quantity of excess mining and impose environmental compensation, apart from imposing penalty and royalty for excess mining and also for cost restoration of damage caused to the environment, (iii) if there is any illegal mining done by any persons, what is the nature of action taken by the authorities, apart from realizing penalty and royalty and imposing environmental compensation against them depending on the quantity mined and (iv) whether any action has been taken against the owners of the vehicles which are involved in illegal transport of such illegally mined minerals.

WHEREAS, as per the directions of the Hon'ble NGT the Board office, Vijayawada had directed the Regional Office, Kurnool to submit an independent report to the Board for filing in the Hon'ble NGT regarding the action taken on the basis of the recommendations / suggestions and also the violations noted by the Joint Committee.

WHEREAS, in the Joint Committee Report, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board and with regard to violations pertaining to the ministry of Environment & Forest Govt., of India & APPCB are

- i. Operating the Mining units without obtaining EC
- ii. Operating the Mining units without obtaining CTE & CTO of the Board.

WHEREAS, the Zonal office, Kurnool vide reference 7th cited above, issued closure order to the mining units for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, GoI, Andhra Pradesh and CTE & CTO of the Board.

WHEREAS, the EE, RO, Kurnool vide reference 9th cited above, submitted that as per the CPCB Methodology for Assessing Environmental Compensation the formula is as follows :

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC is Environmental Compensation in INR
 PI = Pollution Index of industrial sector
 N = Number of days of violation took place
 R = A factor in Rupees (Rs.250/-) for EC
 S = Factor for scale of operation
 LF = Location factor

Mining units comes under Red Category

In the Hon'ble NGT (SZ) O.A. No. 179 of 2021, the main issue is excavation of road in between Palkur - Ramakrishnapuram Village of Banaganapalle Mandal as per the Joint committee report dt.07.12.2022.

Sl.No.	Name of the industry	PI	S	F	R (Rs.)	N (days)	Environmental Compensation (Rs.)
1.	G. Rama Krishna Reddy, Sy.No.284 of Palkur (V), Banaganapalle (M), Kurnool Dist	80	0.5	1	250	478	47,80,000.00

In view of above, you are hereby directed to show cause as to why the Board shall not levy environmental compensation for an amount of Rs.47,80,000/- (Rupees forty seven Lakhs Eighty thousand only) against M/s.G. Rama Krishna Reddy, Sy.No.284 of Palkur (V), Banaganapalle Mandal, Kurnool District for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, GoI, Andhra Pradesh and CTE & CTO of the Board and also for non-compliance of the Board directions within 15 days.

Further, you are directed to furnish reply to the Show Cause Notice within 15 days from the date of issue of this notice, failing which necessary orders will be passed on levying of the aforesaid environmental compensation under section 31(A) of Air (Prevention & Control of Pollution) Amendment Act and under section 33(A) of Water (Prevention & Control of Pollution) 1974 & under relevant sections of E(P) Act, 1986, without any further notice.

VENKATESWARA
RAO KANDAVALLI
JOINT CHIEF ENVIRONMENTAL ENGINEER
ZONAL OFFICE, KURNOOL

Digitally signed by VENKATESWARA
 RAO KANDAVALLI
 Date: 2023.02.07 11:27:58 +05'30'

To
 G. Rama Krishna Reddy
 Sy.No.284 of Palkur (V),
 Banaganapalle Mandal,
 Kurnool District.

Copy to:

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ANDHRA PRADESH POLLUTION CONTROL BOARD

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e-mail: jceezoknl@gmail.com

Lr. No.Gen-205/APPCB/ZO-KNL/CTO/2022

Date: 07.02.2023

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WHEREAS, in the Joint Committee Report, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board and with regard to violations pertaining to the ministry of Environment & Forest Govt., of India & APPCB are

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In the Hon'ble NGT (SZ) O.A. No. 179 of 2021, the main issue is excavation of road in between Palkur - Ramakrishnapuram Village of Banaganapalle Mandal as per the Joint committee report dt.07.12.2022.

Sl.No.	Name of the industry	PI	S	F	R (Rs.)	N (days)	Environmental Compensation (Rs.)
1.	G. Rameswara Reddy Sy.No.284 of Palkur (V), Banaganapalle (M), Kurnool Dist.	80	0.5	1	250	478	47,80,000.00

In view of above, you are hereby directed to show cause as to why the Board shall not levy environmental compensation for an amount of Rs.47,80,000/- (Rupees forty seven Lakhs Eighty thousand only) against M/s.G. Rameswara Reddy, Sy.No.284 of Palkur (V), Banaganapalle Mandal, Kurnool District for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, GoI, Andhra Pradesh and CTE & CTO of the Board and also for non-compliance of the Board directions within 15 days.

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RAO KANDAVALLI
JOINT CHIEF ENVIRONMENTAL ENGINEER
ZONAL OFFICE, KURNOOL

Digitally signed by VENKATESWARA
RAO KANDAVALLI
Date: 2023.02.07 11:28:15 +05'30'

To
G. Rameswara Reddy
Sy.No.284 of Palkur (V),
Banaganapalle (M),
Kurnool District.

Copy to:

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ANDHRA PRADESH POLLUTION CONTROL BOARD

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Lr. No.Gen-205/APPCB/ZO-KNL/CTO/2022

Date: 07.02.2023

SHOW CAUSE NOTICE

Sub : APPCB – ZO - KNL – Kottala Naga Raju, Sy.No.288/2 & 282 of Palkur (V), Banaganapalle Mandal, Kurnool District – Operating the mining unit without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board thereby violating Boards directions - Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014 & Original Application No. 179/2021 filed in Hon'ble NGT, South Zone, Chennai – Hon'ble NGT(SZ), Chennai orders dt:15.07.2022, 13.09.2022 & 05.12.2022 – **Levy of Environmental Compensation - Show cause Notice - Issued – Reg.**

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8. RO, Kurnool mail dated 23.12.2022.
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WHEREAS, you are operating Lime stone slab in the name & style of Kottala Naga Raju, Sy.No.288/2 & 282 of Palkur (V), Banaganapalle Mandal, Kurnool District.

WHEREAS, it is statutory for the mining unit to obtain Consent to Operation (CTO) of the Board under Section 25/26 of Water Act and 21/22 of Air Act, but you are operating the mining unit without valid Consent to Operation of the Board which is punishable under Section 44 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 33 of the Air (Prevention & Control of Pollution) Act, 1981.

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WHEREAS, in the Joint Committee Report, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board and with regard to violations pertaining to the ministry of Environment & Forest Govt., of India & APPCB are

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Sl.No.	Name of the industry	PI	S	F	R (Rs.)	N (days)	Environmental Compensation (Rs.)
1.	Kottala Naga Raju , Sy.No.288/2 & 282 of Palkur Village, Banaganapalle (M), Kurnool Dist.	80	0.5	1	250	478	47,80,000.00

In view of above, you are hereby directed to show cause as to why the Board shall not levy environmental compensation for an amount of Rs.47,80,000/- (Rupees forty seven Lakhs Eighty thousand only) against M/s.Kottala Naga Raju, Sy.No.288/2 & 282 of Palkur (V), Banaganapalle Mandal, Kurnool District for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board and also for non-compliance of the Board directions within 15 days.

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VENKATESWARA
 RAO KANDAVALLI
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 ZONAL OFFICE, KURNOOL

Digitally signed by
 VENKATESWARA RAO KANDAVALLI
 Date: 2023.02.07 11:28:31 +05'30'

To
 Kottala Naga Raju ,
 Sy.No.288/2 & 282 of Palkur Village,
 Banaganapalle (M), Kurnool Dist.

Copy to:

1. The Member Secretary, Board Office, Vijayawada for information and necessary action.
- ✓ 2. The Environmental Engineer, Regional Office, Kurnool for information and necessary action.



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Date: 07.02.2023

SHOW CAUSE NOTICE

Sub : APPCB – ZO - KNL – Ambala Rama Krishna Reddy, Sy.No.284 of Palkur (V), Banaganapalle Mandal, Kurnool District – Operating the mining unit without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board thereby violating Boards directions - Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014 & Original Application No. 179/2021 filed in Hon'ble NGT, South Zone, Chennai – Hon'ble NGT(SZ), Chennai orders dt:15.07.2022, 13.09.2022 & 05.12.2022 – **Levy of Environmental Compensation - Show cause Notice - Issued – Reg.**

Ref : 1. Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014.
2. Hon'ble National Green Tribunal (South Zone), Chennai in the matter of O.A. No. 179/2021orders, Dt.11.08.2021.
3. Joint Committee inspections on 02.09.2021 & 03.09.2021.
4. Joint Committee report dt.07.12.2021.
5. The Member Secretary, APPCB directions dt. 05.11.2022.
6. Zonal Office, Kurnoolissued closure orders on 06.12.2022.
7. Hon'ble National Green Tribunal (South Zone), Chennai in the matter of O.A. No. 179/2021orders, Dt.05.12.2022.
8. RO, Kurnool mail dated 23.12.2022.
9. RO, Kurnool report dated 28.12.2022 & 27.01.2023.

WHEREAS, you are operating Lime stone slab in the name & style of Ambala Rama Krishna Reddy, Sy.No.284 of Palkur (V), Banaganapalle Mandal, Kurnool District.

WHEREAS, it is statutory for the mining unit to obtain Consent to Operation (CTO) of the Board under Section 25/26 of Water Act and 21/22 of Air Act, but you are operating the mining unit without valid Consent to Operation of the Board which is punishable under Section 44 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 33 of the Air (Prevention & Control of Pollution) Act, 1981.

WHEREAS, the Hon'ble Supreme Court of India, vide reference 1st cited above, in its judgment order dt.02.08.2017 in WP (C) No. 114 of 2014 directed the concerned authorities to take appropriate action against illegal operation of mining activities carried out in violation of EPAct, Water Act and Air Act.

WHEREAS, the Hon'ble National Green Tribunal (South Zone), Chennai vide reference 2nd cited above, passed an order in Original Application No. 179/2021, to submit the Joint Committee report on the Mining of potstone [Naparallu] excavation being done without leaving margins on either side of the roads, and further the committee is directed to ascertain as to (i) whether the persons who are carrying on the mining activity in that area are having necessary permission / clearance / consent as required under the environment laws, (ii) whether any excess mining has been done in violation of the conditions (if any) imposed, then they are directed to ascertain the quantity of excess mining and impose environmental compensation, apart from imposing penalty and royalty for excess mining and also for cost restoration of damage caused to the environment, (iii) if there is any illegal mining done by any persons, what is the nature of action taken by the authorities, apart from realizing penalty and royalty and imposing environmental compensation against them depending on the quantity mined and (iv) whether any action has been taken against the owners of the vehicles which are involved in illegal transport of such illegally mined minerals.

WHEREAS, as per the directions of the Hon'ble NGT the Board office, Vijayawada had directed the Regional Office, Kurnool to submit an independent report to the Board for filing in the Hon'ble NGT regarding the action taken on the basis of the recommendations / suggestions and also the violations noted by the Joint Committee.

WHEREAS, in the Joint Committee Report, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board and with regard to violations pertaining to the ministry of Environment & Forest Govt., of India & APPCB are

- i. Operating the Mining units without obtaining EC
- ii. Operating the Mining units without obtaining CTE & CTO of the Board.

WHEREAS, the Zonal office, Kurnool vide reference 7th cited above, issued closure order to the mining units for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board.

WHEREAS, the EE, RO, Kurnool vide reference 9th cited above, submitted that as per the CPCB Methodology for Assessing Environmental Compensation the formula is as follows :

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC is Environmental Compensation in INR
- PI = Pollution Index of industrial sector
- N = Number of days of violation took place
- R = A factor in Rupees (Rs.250/-) for EC
- S = Factor for scale of operation
- LF = Location factor

Mining units comes under Red Category

In the Hon'ble NGT (SZ) O.A. No. 179 of 2021, the main issue is excavation of road in between Palkur - Ramakrishnapuram Village of Banaganapalle Mandal as per the Joint committee report dt.07.12.2022.

Sl.No.	Name of the industry	PI	S	F	R (Rs.)	N (days)	Environmental Compensation (Rs.)
1.	Ambala Rama Krishna Reddy, Sy.No.284 of Palkur Village, Banaganapalle (M), Kurnool Dist.	80	0.5	1	250	478	47,80,000.00

In view of above, you are hereby directed to show cause as to why the Board shall not levy environmental compensation for an amount of Rs.47,80,000/- (Rupees forty seven Lakhs Eighty thousand only) against M/s.Ambala Rama Krishna Reddy, Sy.No.284 of Palkur (V), Banaganapalle Mandal, Kurnool District for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board and also for non-compliance of the Board directions within 15 days.

Further, you are directed to furnish reply to the Show Cause Notice within 15 days from the date of issue of this notice, failing which necessary orders will be passed on levying of the aforesaid environmental compensation under section 31(A) of Air (Prevention & Control of Pollution) Amendment Act and under section 33(A) of Water (Prevention & Control of Pollution) 1974 & under relevant sections of E(P) Act, 1986, without any further notice.

VENKATESWARA
RAO KANDAVALLI
JOINT CHIEF ENVIRONMENTAL ENGINEER
ZONAL OFFICE, KURNOOL

Digitally signed by
VENKATESWARA RAO KANDAVALLI
Date: 2023.02.07 11:28:49 +05'30'

To
Ambala Rama Krishna Reddy,
Sy.No.284 of Palkur Village,
Banaganapalle (M), Kurnool District.

Copy to:

1. The Member Secretary, Board Office, Vijayawada for information and necessary action.
- ✓ 2. The Environmental Engineer, Regional Office, Kurnool for information and necessary action.



ANDHRA PRADESH POLLUTION CONTROL BOARD
ZONAL OFFICE: KURNOOL
1st Floor, Shankar Shopping Complex, Krishna Nagar Main Road, Kurnool

Phone :08518- 236912,
e-mail: jceezoknl@gmail.com

Lr. No.Gen-205/APPCB/ZO-KNL/CTO/2022

Date: 07.02.2023

SHOW CAUSE NOTICE

Sub : APPCB – ZO - KNL – M. Basheer Ahmed, Sy.No.445/1of Palkur (V), Banaganapalle Mandal, Kurnool District – Operating the mining unit without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, GoI, Andhra Pradesh and CTE & CTO of the Board thereby violating Boards directions - Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014 & Original Application No. 179/2021 filed in Hon'ble NGT, South Zone, Chennai – Hon'ble NGT(SZ), Chennai orders dt:15.07.2022, 13.09.2022 & 05.12.2022 – **Levy of Environmental Compensation - Show cause Notice - Issued – Reg.**

Ref : 1. Hon'ble Supreme Court Judgment order dt: 02.08.2017 in WP (C) No. 114 of 2014.
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8. RO, Kurnool mail dated 23.12.2022.
9. RO, Kurnool report dated 28.12.2022 & 27.01.2023.

WHEREAS, you are operating Lime stone slab in the name & style of M. Basheer Ahmed, Sy.No.445/1of Palkur (V), Banaganapalle Mandal, Kurnool District.

WHEREAS, it is statutory for the mining unit to obtain Consent to Operation (CTO) of the Board under Section 25/26 of Water Act and 21/22 of Air Act, but you are operating the mining unit without valid Consent to Operation of the Board which is punishable under Section 44 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 33 of the Air (Prevention & Control of Pollution) Act, 1981.

WHEREAS, the Hon'ble Supreme Court of India, vide reference 1st cited above, in its judgment order dt.02.08.2017 in WP (C) No. 114 of 2014 directed the concerned authorities to take appropriate action against illegal operation of mining activities carried out in violation of EPA Act, Water Act and Air Act.

WHEREAS, the Hon'ble National Green Tribunal (South Zone), Chennai vide reference 2nd cited above, passed an order in Original Application No. 179/2021, to submit the Joint Committee report on the Mining of potstone [Naparallu] excavation being done without leaving margins on either side of the roads, and further the committee is directed to ascertain as to (i) whether the persons who are carrying on the mining activity in that area are having necessary permission / clearance / consent as required under the environment laws, (ii) whether any excess mining has been done in violation of the conditions (if any) imposed, then they are directed to ascertain the quantity of excess mining and impose environmental compensation, apart from imposing penalty and royalty for excess mining and also for cost restoration of damage caused to the environment, (iii) if there is any illegal mining done by any persons, what is the nature of action taken by the authorities, apart from realizing penalty and royalty and imposing environmental compensation against them depending on the quantity mined and (iv) whether any action has been taken against the owners of the vehicles which are involved in illegal transport of such illegally mined minerals.

WHEREAS, as per the directions of the Hon'ble NGT the Board office, Vijayawada had directed the Regional Office, Kurnool to submit an independent report to the Board for filing in the Hon'ble NGT regarding the action taken on the basis of the recommendations / suggestions and also the violations noted by the Joint Committee.

WHEREAS, in the Joint Committee Report, with regard to prevention of illegal quarrying and transportation of minerals it is noted that, out of 9 recommendations/ suggestions no one is related to A.P. Pollution Control Board and with regard to violations pertaining to the ministry of Environment & Forest Govt., of India & APPCB are

- i. Operating the Mining units without obtaining EC
- ii. Operating the Mining units without obtaining CTE & CTO of the Board.

WHEREAS, the Zonal office, Kurnool vide reference 7th cited above, issued closure order to the mining units for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board.

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Mining units comes under Red Category

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Sl.No.	Name of the industry	PI	S	F	R (Rs.)	N (days)	Environmental Compensation (Rs.)
1.	M. Basheer Ahmed, Sy.No.445/1of Palkur Village, Banaganapalle (M), Kurnool Dist	80	0.5	1	250	478	47,80,000.00

In view of above, you are hereby directed to show cause as to why the Board shall not levy environmental compensation for an amount of Rs.47,80,000/- (Rupees forty seven Lakhs Eighty thousand only) against M/s.M. Basheer Ahmed, Sy.No.445/1of Palkur (V), Banaganapalle Mandal, Kurnool District for operating without obtaining Environmental Clearance from the Ministry of Environment, Forest & Climate Change, Gol, Andhra Pradesh and CTE & CTO of the Board and also for non-compliance of the Board directions within 15 days.

Further, you are directed to furnish reply to the Show Cause Notice within 15 days from the date of issue of this notice, failing which necessary orders will be passed on levying of the aforesaid environmental compensation under section 31(A) of Air (Prevention & Control of Pollution) Amendment Act and under section 33(A) of Water (Prevention & Control of Pollution) 1974 & under relevant sections of E(P) Act, 1986, without any further notice.

VENKATESWARA RAO
KANDAVALLI
JOINT CHIEF ENVIRONMENTAL ENGINEER
ZONAL OFFICE, KURNOOL

Digitally signed by VENKATESWARA
RAO KANDAVALLI
Date: 2023.02.07 11:29:08 +05'30'

To
M. Basheer Ahmed,
Sy.No.445/1 of Palkur Village,
Banaganapalle Mandal, Kurnool District.

Copy to:

1. The Member Secretary, Board Office, Vijayawada for information and necessary action.
- ✓ 2. The Environmental Engineer, Regional Office, Kurnool for information and necessary action.