

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

**Original Application No. 19 of 2022 (SZ)**

**IN THE MATTER OF:**

**Satish P, Udupi**

**...Applicant**

**Versus**

**Mr. B. Nagaraj Kamath and others**

**.... Respondent(s)**

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 4, CENTRAL  
POLLUTION CONTROL BOARD**

I, S. Suresh, son of Sh. S. R. Sathyanarayana, aged about 59 years and having office at Regional Directorate (South), Central Pollution Control Board, 1<sup>st</sup> & 2<sup>nd</sup> Floors, Nisarga Bhavan, A-Block, Thimmaiah Main Road, 7<sup>th</sup> D Cross, Shivanagar, Bengaluru – 560 079 do hereby solemnly affirm and state as under:

1. That I am presently working as Scientist 'E' & Regional Director, Regional Directorate, Central Pollution Control Board, Bengaluru (hereinafter called as CPCB) and have been authorized to file the reply affidavit on behalf of Respondent No. 4. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present as under:
2. That the averments contained in paras 1 to 4 are regarding the brief details of the Applicant and filing of the application. The same being a matter of record and hence no comments from this answering Respondent No.4.



*S. Suresh*  
**S. SURESH** 22/3/2022  
REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE (SOUTH)  
MIN. OF ENV. FORESTS & CC, GOVT. OF INDIA  
BENGALURU - 560 079. MOB : 9480672128

3. That the averments contained in para 5 is regarding, the grievance of the Applicant mainly about an illegal operations of cashew industry by Respondent No. 1 in Sy. No. 144/2 of Moodubelle, Karnataka in an agricultural land and illegal discharge of the trade effluent into the property of the applicant causing damage to the property affecting the fertility of the land. They are also dumping the garbage and waste in the nearby lands and are not following the waste management procedure properly. Though, complaint was made to the Pollution Control Board on 05.10.2021 and they inspected the industrial unit and issued show-cause notice dated 29.10.2021, no strict action was taken and the illegal activity of the Respondent No.1 is still continuing. The pollution control mechanism provided are not sufficient to control the noise and air pollution that is likely to be caused on account of operation of the unit.
4. It is also submitted that Environmental Standards (Emission and effluent) and stack height for Cashew Seed Processing industry are notified vide Government Statutory Rules (GSR) 1(E), dated 01.01.2010. Copy of Environmental Standards for Cashew Seed Processing industry notified vide G.S.R. 1(E), dated 01/01/2010 is attached herewith and marked as ANNEXURE.
5. It is submitted that cashew seed processing units should operate with valid Consent to Establish (CTE) and Consent to Operate (CTO) issued by State Pollution Control Board (hereinafter referred as 'SPCB') and these units need to comply with the Environmental norms as stipulated for cashew seed processing industry under the Environment (Protection) Rules, 1986, failing which SPCB may take appropriate action against the defaulter unit under the provision of Section 33A of Water Act, 1974 and Section 31A of Air Act, 1981.
6. Karnataka State Pollution Control Board (hereinafter referred as 'KSPCB') is empowered to grant Consent to Establish (CTE) and Consent to Operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 to the Cashew Seed Processing units after ensuring requisite facilities and also to ensure compliance of conditions of the CTE & CTO and environmental norms to control environmental pollution in the area.



S Suresh  
22/13/2022  
S. SURESH  
REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE (SOUTH)  
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA  
BENGALURU - 560 079. MOB : 9480672128

7. That with regard to averments contained in Paras I – VII under heading 'Grounds', this answering Respondent submits that cashew seed processing units should operate with valid Consent to Establish (CTE) and consent to operate (CTO) issued by SPCB and these units need to comply with the Environmental norms as stipulated for cashew seed processing industry under the Environment (Protection) Rules, 1986, failing which SPCB may take appropriate action under the provisions of Environmental Law. Since KSPCB is the regulatory authority in the said matter, hence CPCB may be exempted from the list of Respondents.

That in light of the above submissions, it is respectfully prayed that this answering respondent No.4 i.e. CPCB, is committed to abide by the order or directions passed by this Hon'ble Tribunal in this matter, as appropriate.

*S. Suresh*

DEPONENT 22/3/2022

S. SURESH

REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE (SOUTH)  
MIN. OF ENV. FORESTS & CC. GOVT. OF INDIA  
BENGALURU - 560 079. MOB : 9480672128

#### VERIFICATION

I, Shri S. Suresh, working as Scientist 'E' & Regional Director, Regional Directorate, Central Pollution Control Board, Bengaluru, the Respondent no. 4 herein, do hereby declare that, the contents of this Reply Affidavit which is based on official record and information available in the office are true to the best of my knowledge and belief.

Verified at Bengaluru on this the 22<sup>nd</sup> day of March, 2022.

*Nathani*

Counsel for Respondent No.4

*S. Suresh*

DEPONENT 22/3/2022

S. SURESH

REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE (SOUTH)  
MIN. OF ENV. FORESTS & CC. GOVT. OF INDIA  
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# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 1]

नई दिल्ली, शुक्रवार, जनवरी 1, 2010/पौष 11, 1931

No. 1]

NEW DELHI, FRIDAY, JANUARY 1, 2010/PAUSA 11, 1931

पर्यावरण एवं वन मंत्रालय  
अधिसूचना

नई दिल्ली, 1 जनवरी, 2010

सा.का.नि. 1(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 और धारा 25 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) नियम, 1986 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

- (1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) संशोधन नियम, 2010 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. पर्यावरण (संरक्षण) नियम, 1986 की अनुसूची-1 में, क्रम संख्या 102 और संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्या और प्रविष्टियाँ अन्तःस्थापित की जाएंगी, अर्थात् :—

क्रम सं.	उद्योग	पैरामीटर	मानक
1	2	3	4
"103	काजू बीज प्रसंस्करण उद्योग	क. उत्सर्जन मानक प्रक्रिया भूना	सांद्रण सीमा मि.ग्र./नार्मल घन मीटर में 250
	विविक्त पदार्थ	पकाना (भूने हुये छिलके/ईधन के रूप में तेल रहित छिलकों की खली) बोरमा भट्टी तापक (भूने हुये छिलके/ईधन के रूप में तेल रहित छिलकों की खली)	150 150
	चिमनी की ऊँचाई	भूना पकाना बोरमा भट्टी तापक	न्यूनतम (मीटर) 20 15 15

टिप्पण :

- विविक्त पदार्थ के सभी मानों को 4% कार्बन डायऑक्साइड तक सुधारा जाएगा।
- प्रत्येक चिमनी, भवन, शेड अथवा उद्योग में स्थापित संयंत्र के सर्वोच्च बिंदु से कम से कम 2 मीटर ऊपर होगी।
- 'डॉग हाउस' से उत्सर्जन को रोस्टिंग-ड्रम उत्सर्जन के साथ आद्र-मार्जक के माध्यम से उत्सर्जित किया जाएगा।
- यदि इकाई में ईधन के रूप में भूने हुये छिलकों का प्रयोग होने पर बायो-गैसिफायर प्रतिस्थापित किया जाएगा।

1	2	3	4	
			<b>ख. बहिस्त्राव</b>	
			सांद्रण सीमा मि.ग्रा./लीटर में, पी एच को छोड़कर	
			आंतरिक तल जल	जन मलजल सिंचाई हेतु भूमि जल
		पी एच	6.5 से 8.5	6.5 से 8.5
		तेल तथा ग्रीस	10	20
		बी ओ डी 3 दिन, 27° C	30	250
		विघटित ठोस	100	600
		फिनॉल्स	1.0	5.0
				-"

[फा. सं. क्यू-15017/23/2008-सी पी डब्ल्यू]

रजनीश दुबे, संयुक्त सचिव

टिप्पण : मूल नियम, भारत के राजपत्र, आसाधारण में सं.का.आ.844 (अ), तारीख 19 नवम्बर 1986 द्वारा प्रकाशित किए गए थे और सं.का.आ.433 (अ), तारीख 18 अप्रैल 1987, सं.का.आ. 64 (अ), तारीख 18 जनवरी 1988, सं.का.आ. 3 (अ), तारीख 3 जनवरी 1989, सं.का.आ.190 (अ), तारीख 15 मार्च 1989, सा.का.नि.913 (अ), तारीख 24 अक्टूबर 1989, सं.का.आ.12 (अ), तारीख 8 जनवरी 1990, सा.का.नि. 742 (अ), 30 अगस्त 1990, सं.का.आ. 23 (अ), तारीख 16 जनवरी 1991, सा.का.नि.93 (अ), तारीख 21 फरवरी 1991, सा.का.नि.95 (अ), तारीख 12 फरवरी 1992, सा.का.नि.329 (अ), तारीख 13 मार्च 1992, सा.का.नि.475 (अ), तारीख 5 मई 1992, सा.का.नि.797 (अ), तारीख 1 अक्टूबर 1992 सा.का.नि. 386 (अ), तारीख 28 अप्रैल 1993, सा.का.नि. 422 (अ), तारीख 19 मई 1993, सा.का.नि., 801 (अ), तारीख 31 दिसम्बर 1993, सा.का.नि.176 (अ), तारीख 3 अप्रैल 1996, सा.का.नि., 631 (अ), तारीख 31 अक्टूबर 1997, सा.का.नि., 504 (अ), तारीख 20 अगस्त 1998, सा.का.नि., 7 (अ), तारीख 2 जनवरी 1999, सा.का.नि., 682 (अ), तारीख 5 अक्टूबर 1999, सा.का.नि. 742 (अ), तारीख 25 सितम्बर 2000, सा.का.नि.72 (अ), तारीख 6 फरवरी 2001, सा.का.नि.54 (अ), तारीख 22 जनवरी 2002, सा.का.नि. 371 (अ), तारीख 17 मई 2002, सा.का.नि.489 (अ), तारीख 9 जुलाई 2002 सं.का.आ.1088 (अ), तारीख 11 अक्टूबर 2002, सा.का.नि.849 (अ), तारीख 30 दिसम्बर 2002, सा.का.नि., 520 (अ), तारीख 1 जुलाई 2003, सा.का.नि. 92 (अ), तारीख 29 जनवरी 2004, सा.का.नि.448 (अ), तारीख 12 जुलाई 2004, शुद्धिपत्र सा.का.नि., 520 (अ), तारीख 12 अगस्त 2004, सा.का.नि. 272 (अ), तारीख 5 मई 2005, सा.का.नि.315 (अ), तारीख 16 मई 2005, सा.का.नि.546 (अ), तारीख 30 अगस्त 2005, सा.का.नि.46 (अ), तारीख 3 फरवरी 2006, सा.का.नि.464 (अ), तारीख 7 अगस्त 2006, सा.का.नि. 640 (अ), तारीख 16 अक्टूबर 2006, सा.का.नि.566 (अ), तारीख 29 अगस्त 2007, सा.का.नि.704 (अ), तारीख 12 नवम्बर 2007, सा.का.नि.186 (अ), तारीख 18 मार्च 2008, सा.का.नि.280 (अ), तारीख 11 अप्रैल 2008, सा.का.नि. 344 (अ), तारीख 7 मई 2008, सा.का.नि. 414 (अ) तारीख 30 मई 2008, सा.का.नि. 481 (अ) तारीख 26 जून 2008, सा.का.नि. 579(अ), तारीख 6 अगस्त 2008, सा.का.नि. 600 (अ) तारीख 18 अगस्त 2008, सा.का.नि. 752 (अ) तारीख 24 अक्टूबर 2008, सा.का.नि. 97 (अ), तारीख 18 फरवरी 2009; सा.का.नि. 149 (अ), तारीख 4 मार्च, 2009; सा.का.नि. 512 (अ), तारीख 9 जुलाई, 2009; सा.का.नि. 543 (अ), तारीख 22 जुलाई, 2009; सा.का.नि. 595 (अ), तारीख 21 अगस्त, 2009; सा.का.नि. 794 (अ), तारीख 04 नवम्बर 2009; और सा.का.नि. 826 (अ), तारीख 16 नवम्बर, 2009 द्वारा उनका पश्चातवर्ती संशोधन किया गया।

**MINISTRY OF ENVIRONMENT AND FORESTS**

**NOTIFICATION**

New Delhi, the 1st January, 2010

**G.S.R. 1(E).**— In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following Rules further to amend the Environment (Protection) Rules, 1986, namely:-

1. (1) These rules may be called the Environment (Protection) Amendment Rules, 2010.
- (3) They shall come into force on the date of their publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986, in Schedule I, after serial number 102 and entries relating thereto, the following serial number and entries shall be inserted, namely :-

S. No.	Industry	Parameter	Standard	
(1)	(2)	(3)	(4)	
103	Cashew Seed Processing Industry	<b>A- Emission Standards</b>		
			<i>Process</i>	<i>limiting concentration in mg/Nm<sup>3</sup></i>
		Particulate matter	Roasting	250
			Cooking (roasted shell/ deoiled cake as fuel)	150
			Borma Oven Heater (roasted shell/ deoiled cake as fuel)	150
		Stack height		<i>minimum ( metres)</i>
			Roasting	20
			Cooking	15
			Borma Oven Heater	15
			<b>Note:</b>	<ul style="list-style-type: none"> <li>• All values of particulate matter shall be corrected at 4% Carbon Dioxide.</li> <li>• Each stack shall be at least 2 metres above the top most point of the building, shed or plant in the industry.</li> <li>• The emissions from 'Dog-house' shall be channelised alongwith Roasting-drum emissions and shall pass through wet scrubber.</li> <li>• Bio-gasifier shall be installed if roasted shells are used as fuel in the unit.</li> </ul>

1	2	3	4		
			B- Effluent standards		
			Limiting concentration in mg/l, except for pH		
	Inland surface Water	Public sewer	Land For Irrigation		
	pH	6.5 to 8.5	6.5 to 8.5	6.5 to 8.5	
	Oil & Grease	10	20	10	
	BOD <sub>3 days, 27° C</sub>	30	250	100	
	Suspended Solids	100	600	200	
	Phenols	1.0	5.0	- . .	

[F. No. Q-15017/23/2008-CPW]

RAJNEESH DUBE, Jt. Secy.

**Note:**—The principal rules were published in the Gazette of India, Extraordinary vide number S.O. 844 (E), dated the 19<sup>th</sup> November, 1986 and subsequently amended vide S.O. 433 (E), dated the 18<sup>th</sup> April, 1987; S.O. 64 (E), dated the 18<sup>th</sup> January, 1988; S.O. 03 (E), dated the 3<sup>rd</sup> January, 1989; S.O. 190 (E), dated the 15<sup>th</sup> March, 1989; G.S.R. 913 (E), dated the 24<sup>th</sup> October, 1989; S.O. 12 (E), dated the 8<sup>th</sup> January, 1990; G.S.R. 742 (E), dated the 30<sup>th</sup> August, 1990; S.O. 23 (E), dated the 16<sup>th</sup> January, 1991; G.S.R. 93 (E), dated the 21<sup>st</sup> February, 1991; G.S.R. 95 (E), dated the 12<sup>th</sup> February, 1992; G.S.R. 329 (E), dated the 13<sup>th</sup> March, 1992; G.S.R. 475 (E), dated the 5<sup>th</sup> May, 1992; G.S.R. 797 (E), dated the 1<sup>st</sup> October, 1992; G.S.R. 386 (E), dated the 28<sup>th</sup> April, 1993; G.S.R. 422 (E), dated the 19<sup>th</sup> May, 1993; G.S.R. 801 (E), dated the 31<sup>st</sup> December, 1993; G.S.R. 176 (E), dated the 3<sup>rd</sup> April, 1996; G.S.R. 631 (E), dated the 31<sup>st</sup> October, 1997; G.S.R. 504 (E), dated the 20<sup>th</sup> August, 1998; G.S.R. 7 (E), dated the 2<sup>nd</sup> January, 1999; G.S.R. 682 (E), dated the 6<sup>th</sup> October, 1999; G.S.R. 742 (E), dated the 25<sup>th</sup> September, 2000; G.S.R. 72 (E), dated the 6<sup>th</sup> February, 2001; G.S.R. 54 (E), dated the 22<sup>nd</sup> January, 2002; G.S.R. 371 (E), dated the 17<sup>th</sup> May, 2002; G.S.R. 489 (E), dated the 9<sup>th</sup> July, 2002; S.O. 1088 (E), dated the 11<sup>th</sup> October, 2002; G.S.R. 849 (E), dated the 30<sup>th</sup> December, 2002; G.S.R. 520 (E), dated the 1<sup>st</sup> July, 2003; G.S.R. 92 (E), dated the 29<sup>th</sup> January, 2004; G.S.R. 448 (E), dated the 12<sup>th</sup> July, 2004; Corrigenda G.S.R. 520 (E), dated the 12<sup>th</sup> August, 2004; G.S.R. 272 (E), dated the 5<sup>th</sup> May, 2005; G.S.R. 315 (E), dated the 16<sup>th</sup> May, 2005; G.S.R. 546 (E), dated the 30<sup>th</sup> August, 2005; G.S.R. 46 (E), dated the 3<sup>rd</sup> February, 2006; G.S.R. 464 (E), dated the 7<sup>th</sup> August, 2006; G.S.R. 640 (E), dated the 16<sup>th</sup> October, 2006; G.S.R. 566 (E), dated the 29<sup>th</sup> August, 2007; G.S.R. 704 (E), dated the 12<sup>th</sup> November, 2007; G.S.R. 186 (E), dated the 18<sup>th</sup> March, 2008; G.S.R. 280 (E), dated the 11<sup>th</sup> April 2008; G.S.R. 344 (E), dated the 7<sup>th</sup> May, 2008; G.S.R. 414 (E), dated the 30<sup>th</sup> May, 2008; G.S.R. 481 (E), dated the 26<sup>th</sup> June, 2008; G.S.R. 579 (E), dated the 6<sup>th</sup> August, 2008; G.S.R. 600 (E), dated the 18<sup>th</sup> August, 2008; G.S.R. 752 (E), dated the 24<sup>th</sup> October 2008; G.S.R. 97 (E), dated the 18<sup>th</sup> February, 2009; G.S.R. 149 (E), dated the 4<sup>th</sup> March, 2009; G.S.R. 512 (E), dated the 9<sup>th</sup> July, 2009; G.S.R. 543 (E), dated the 22<sup>nd</sup> July, 2009; G.S.R. 595 (E), dated the 21<sup>st</sup> August, 2009; G.S.R. 794 (E), dated the 4<sup>th</sup> November, 2009; and G.S.R. 826(E), dated the 16<sup>th</sup> November, 2009.