

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

Application No. 195 of 2016

BETWEEN

TANDUR CITIZENS WELFARE SOCIETY

Reg.No.714/2016

Rep. by its President,

Mr.Rajgopal Sarada,

Having its registered office at

No.7/7/52/4A, Gomthi Kunj,

TANDUR-501141.

Rangareddy District,

Telangana.

...Applicant

AND

1. Government of Telangana,
Rep. by its Secretary,
Environmental and Forest Department,
Secretariat,
Hyderabad – 500 022.
2. Ministry of Environment, Forest and Climate Change,
Indhira Paryavaran Bhavan,
Jorbagh,
New Delhi – 110 003
3. The Central Pollution Control Board,
Parivesh Bhavan,
East Arjun Nagar,
Delhi – 110 032.
4. Telangana State Pollution Control Board,
Rep. by its Member Secretary,
No.6-3-1219, 3rd Floor, Block 'C'
Ward No.91, Near Country Club,
Uma Nagar, Kundanbagh,
Begampet,
Hyderabad
5. Karnataka State Pollution Control Board,
Rep. by its Member Secretary,
49, Church Street,
Bangalore – 560 001.
6. The District Collector,
Rangareddy District, Lakdi ka pul,
Hyderabad – 500 004.
7. The Station Manager,
Tandur Railway Station
Tandur – 501 141.

*

For : Tandur Citizens Welfare Society



President

8. The Commissioner,
Thandur Municipality,
Tandur – 501 141.
9. M/s. Cement Corporation of India,
Karankote,
P.O. CCI Tandur,
Ranga Reddy District,
Telangana – 501 158.
10. M/s. Coromandel King India Cements,
Malkapur,
Tandur Mandal.
Ranga Reddy District,
Telangana – 500 157.
11. M/s. Penna Cements,
Belakatur (V)
Tandur,
Chandravantha,
Telangana 501158
12. M/s. Vicat Sagar Cements,
Chatrasal,
Gulbarga District.
Karnataka – 585 320.
13. M/s. Chettinad Cement,
Kallor (V)
Chincholi Taluk,
Karnataka.
- ...Respondents

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE RESPONDENTS**

I, Rajgopal Sarada, Son of late. Asaramji Sarada, aged about 58 years, residing at No.7/7/52/4A, Gomthi Kunj, TANDUR-501141, Rangareddy District, Telangana, temporarily come down to Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the Applicant herein and as such I am well acquainted with the facts of the case. I deny all the allegations and the averments made in Reply Affidavit of the Respondents and they may be put to strict proof of the averments made therein except those that are specifically admitted herein.

*

For : Tandur Citizens Welfare Society



President

2. It is submitted that when the representations made to the 3rd and 4th respondents were not considered, the Applicant herein on 02.04.2016 made a representation to the 1st & 2nd respondents to take immediate steps to bring down the pollution level to normalcy in Tandur.

3. It is submitted that the said representation dt.02.04.2016 came to be received by the 1st & 2nd respondents herein on 08/04/16 & 12/04/2016. However, till date the 1st & 2nd respondents herein have not acted on the representation to prevent the respondents 7, 9 to 13 from causing air and noise pollution in Tandur. It is submitted that the respondents 1, 2, 3, 4, 6, 8 are expected to act on the representations of the Applicant and to prevent the respondents 7, 9 to 13 from causing air and noise pollution which are now drastically affect over 75,000 people living in Tandur area and also rural masses living nearby these cement factories.

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE 1st RESPONDENT**

4. The averments made in paragraph 3 of the Reply of the 1st Respondent are denied. It is submitted that the 4th Respondent will not be in a position to monitor & control each and every category industry when the 4th Respondent is stationed more than 100 kms away from these Industries. It is submitted that the heavy vehicular traffic passing through the town is creating immense Air & Noise pollution. It is submitted that the Newspaper clippings clearly show that the cement industries are creating heavy air pollution and how farmers have been severely affected.

5. The averments made in paragraph 4 of the Reply of the 1st Respondent is denied. It is submitted that the 4th Respondent came to Tandur town upon the repeated requests of the applicant on 17/12/2015 to measure the Air quality. It is submitted that the analysis report of February 2016 indicates PM10 value is 622 ug/m³ as against the National Ambient Air Quality Standard of 100 ug/m³. It is submitted that this report created serious anxiety and worries amongst the residents of Tandur and invited the attention of media. It is submitted that pursuant to the Air Pollution Report, there was one more analysis conducted by the 4th Respondent

For : Tandur Citizens Welfare Society


within a very short notice i.e., in the month of March, 2016. Hence, the 2nd inspection was made without informing anybody, that too immediately after the 1st inspection. It is submitted that the 1st respondent claims to have given directions to the Municipality to take curative steps against the Stone polishing Units & Cement manufacturing Industries which cause the maximum pollution. However, neither the municipality has taken any productive step nor the TNPCB has taken any effort to curb the menace caused by such units.

6. The averments made in paragraph 5 & 6 of the Reply of the 1st Respondent are denied. It is submitted that the contentions made in paragraph 5 of our application, pertains to the year 2015 on a different issue but the 1st respondent has replied with respect to the 7th Respondent which is an issue pertaining to 2014. It is submitted that the respondents have not taken any action against the representations made neither in 2014 nor 2015. It is submitted that further, the cement industries to save its input costs are emitting collected dust in open air during the night. It is submitted that the 1st Respondent claims that, directions have been issued by the 4th respondent to defaulting industries on several dates which is not reliable as the same is not substantiated by any means and is not credible as there is no improvement in the quality of the air in and around the city of Tandur.

8. The averments made in paragraph 7 & 8 of the Reply of the 1st Respondent are denied. It is submitted that the 1st Respondent's statement denying that they have not received our Notice is utter false and unsustainable. It is submitted that the respondents by stating that, they never received any notice are only trying to shove their responsibilities and trying to mislead this Hon'ble Tribunal. It is also to be noted that, the 4th respondent had conducted Air quality monitoring Tests but they miserably failed to take any preventive steps to bring down the Air-pollution. It is submitted that unless heavy un-required vehicular traffic is diverted from entering Tandur town and forest cover is developed, this problem will not be solved. It is submitted that the 1st Respondent has also failed to state the preventive steps executed or planned to be executed by the 4th Respondent to bring down the Air-pollution which is of prime importance. It

For : Tandur Citizens Welfare Society

 President

is submitted that the 1st respondent has failed to state if 4th respondent disconnected the water & power supply to the 7th respondent as he threatened to do so in his show-cause notice, if reply was not given within a period of 14 days. It is submitted that the reply of this respondent lacks any prospective action to be taken by the 4th respondent against the 7th respondent who continues to load cement dust in open and constantly and continuously violating the Air & Environment Protection Acts. It is submitted that, if the 7th Respondent denies permission of installing Air monitoring equipments in Railway Station, then the 4th Respondent has got every authority to take appropriate action against the 7th Respondent.

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE 2nd RESPONDENT**

9. With regard to averments made by the 2nd respondent in their reply affidavit are denied. It is submitted that the applicant has exhausted all remedies available to him by making representations before the concerned authorities, but they have turned a deaf ear to the same. It is submitted that, in fact the 2nd respondent has stated in his reply that the application quote PM10 of 622 mg/m³ as against the National Air Quality Index (NAQI) of 100 mg/m³, but the 2nd Respondent has not taken any coercive methods to combat pollution in TANDUR area. It is submitted that the 2nd Respondent holding the crucial responsibility of maintaining a healthy environment have stated that there is a need for multi disciplinary approach. It is submitted that as stated by the 2nd Respondent, a multi disciplinary approach is very much necessary but the initiative should be taken by the 2nd Respondent which is robust ministry established by the Government to enact and administer all matters regarding the environment issues.

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE 3rd RESPONDENT**

10. With regard to the averments made by the 3rd respondent in their reply affidavit are denied. It is submitted that the 3rd Respondent is agreeing to the fact that Cement factories should have online emission monitoring devices to track the pollution and emission in the locality but on

For : Tandur Citizens Welfare Society

President

the contrary the 4th Respondent has clearly mentioned that the Respondents 9 to 11 do not have such facilities. It is submitted that moreover, even though the 3rd Respondent has stated that Respondents 12 & 13 have online monitoring system but they have failed to disclose how many times the Short Message Service (sms) alerts have been sent to these units at least in last one year.

11. With regard to para 11 to 14 of the 3rd Respondent's reply, it is submitted that they have formulated certain schemes and extended their support with an assurance to provide technical and financial support to the 4th Respondent for installation of AAQM at Tandur. It is submitted that this respondent has specifically directed the 7th Respondent herein to follow the guideline as per the document on "Inventorization of Railway Sidings and Guidelines for their Environment Management". It is submitted that the prevailing conditions of pollution in the district of Tandur shows the non execution of the said guidelines by the concerned authorities.

REJOINDER TO THE REPLY FILED BY THE 4th RESPONDENT

13. It is submitted that the 4th Respondent came to Tandur town upon the repeated requests of the applicant on 17/12/2015 to measure the Air quality. It is submitted that the analysis report of February 2016 indicates PM10 value is 622 ug/m³ as against the National Ambient Air Quality Standard of 100 ug/m³. It is submitted that this report created serious anxiety and worries amongst the residents of Tandur and invited the attention of media. It is submitted that pursuant to the Air Pollution Report, there was one more analysis conducted by the 4th Respondent within a very short notice i.e., in the month of March, 2016. It is further submitted that therefore, the 2nd inspection was made without informing anybody, that too immediately after the 1st inspection and the same reveals that the pollution level found in Tandur area is far from the normal permissible level. It is submitted that the 1st respondent claims to have given directions to the Municipality to take curative steps against the Stone polishing Units & Cement manufacturing Industries which cause the maximum pollution, however, neither the municipality has taken any productive step nor the TNPCB has taken any effort to curb the menace caused by such units.

For : Tandur Citizens Welfare Society

 President

14. With regard to averments made in paragraph 6 of the reply filed by the 4th Respondent, the applicant is perplexed as to how the level of air pollution has drastically come down during the 2nd AAQM conducted on 20.03.2016 & 21.03.2016. It is germane to note that, the 4th Respondent herein has not taken any effective steps to improve the air quality since the 1st AAMQ conducted on 17.12.2015. Moreover, the 4th Respondent himself has conceded to the fact that during the 2nd AAQM Analysis Report it was found that in the afternoon i.e., from 2:00 PM to 10:00 PM the PM10 value are at its peak-216ug/m³ and during the night time i.e., from 10:00 PM to 6:00 AM they are least-146ug/m³, both of which are well above the National Ambient Standards of 100ug/m³.

15. The averments made in paragraph 7 to 11 of the Reply affidavit of 4th respondent, are denied. It is submitted that although, the 4th Respondent has issued show cause notice dated 25/11/2014 to the 7th Respondent & monitored the Stack and AAQM of three cement industries on several dates, he has failed to take necessary action against the 7th Respondent and other concerned respondents who have been constantly polluting the environment. It is submitted the 4th respondent merely states that he had issued directions to the cement industries and does not state anything about the compliance or follow up action in that regard which only reflects the his callous attitude, inefficiency and insensitivity towards the whole issue. It is submitted that the 4th Respondent who is the proper authority to take action against the erring officer herein being the 7th Respondent, by being a mute spectator has been directly/indirectly contributing to the raising pollution levels in Tandur.

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE 5th RESPONDENT**

16. The averments made by the 5th respondent in their reply affidavit are denied. It is submitted that the 12th and 13th respondents did not take any steps to connect their plants to Railway lines as such till April, 2015. It is submitted that therefore both the respondents would rely upon the roadways and railway lines for transmission of raw materials and cement. It is submitted that respondents 12 & 13 transport their raw material and cement in overloaded trucks without tarpaulin covering which pass through

For : Tandur Citizens Welfare Society


the narrow streets of Tandur thereby polluting the entire atmosphere and making the air obnoxious and toxic. It is submitted that apart from the pollution caused by such industries, transmission of cement in such heavy trucks through the narrow streets of Tandur has contributed to a large extent to the spike in road accidents.

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE 6th RESPONDENT**

17. The averments made by the 6th respondent in their reply affidavit are denied. It is submitted that the 6th respondent has merely stated the various schemes and policies in place which may seem very convincing at the first blush, however in reality none of it has been effectively implemented and pollution continues to be a serious threat. It is submitted that for instance the Haitha Haram scheme under which it was claimed by the 6th respondent that more than 10 Lakh saplings were planted was a big failure as most of the saplings did not survive owing to lack of proper irrigation and initial care.

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE 7th RESPONDENT**

18. The averments made by the 7th respondent in their reply affidavit are denied. It is submitted that, the 7th Respondent is violating various Environmental laws, not from recent past but from 2004 onwards. It is submitted that the applicant has been constantly giving representations to the 7th Respondent reminding him to take action against the rising pollution levels. It is submitted that however, all such representations have fallen to deaf ears and the 7th respondent is continuously loading cement dust from platforms in open air on increasing-decreasing methods. It is submitted that infact the 3rd Respondent in their reply has clearly stated that this respondent has not been following the guideline as per the document on "Inventorization of Railway Sidings and Guidelines for their Environment Management". It is submitted that the precautions measures alleged to have been taken by the 7th respondent is only on paper and has not been implemented.

For : Tandur Citizens Welfare Society

President

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE 8th RESPONDENT**

19. The averments made by the 8th respondent in their reply affidavit are denied. It is submitted that the 8th Respondent is holding one of the esteemed offices in the town of Tandur. It is submitted that the 8th Respondent is the authority responsible for all issues pertaining to the Town of Tandur. It is submitted that, when the level of pollution in the town has been increasing at such alarming levels, this Respondent ought to have taken necessary action to curb the same. It is submitted that, on 17/12/2015 the 4th Respondent herein came to Tandur to measure the Air quality wherein it was found that the PM10 value is 622 ug/m³ as against the National Ambient Air Quality Standard of 100 ug/m³. It is submitted that this clearly shows the dangerous extent to which the quality of air has been polluted. It is submitted that however, the 8th Respondent in his counter affidavit states that he does not have the authority to take action against the erring industries and also due to paucity of funds, which is untenable and unacceptable. It is submitted that even according to the 8th respondent there was a resolution for laying by-pass roads around Tandur Town, however it is unfortunate that the said project is yet to begin. It is submitted that when such beneficial projects being stalled endlessly, the ultimate sufferer is the common man.

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE 9th RESPONDENT**

20. The averments made by the 9th respondent are denied. It is submitted that the aerial distance is the factor to be considered to determine pollution and not road distance. It is submitted that although the 9th respondent's plant is 15 Kms away from Tandur town, the 9th Respondent's Plant is located not more than 8 kms in aerial distance from extreme corner of Tandur town.

**REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY
THE 10th, 11th, 12th & 13th RESPONDENTS**

For : Tandur Citizens Welfare Society

President

21. It is submitted that, it is an admitted fact that Tandur is reeling under immense pressure of 622ug/m³ of Air-pollution which the highest in any town/city. It is submitted that this is primarily because Industries like the Respondents herein (11, 12 & 13) were given permission without any forward thinking plan by Government planners. It is submitted that the forewarned dangers stipulated in the Environmental Protection Act has been clearly ignored to suit their convenience.

22. It is submitted that the 3rd Respondent has clearly stated in his Reply that, the 9th, 10th and 11th respondents has not installed online emission monitoring system. It is further submitted that although respondents 12 and 13 have installed online emission monitoring systems, it has not been stated the number of times SMS Alerts have been received in case of breach of standards. It is submitted that thus the directions issued by the Central Pollution Control Board under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 has been violated by the 11th respondent.

23. It is reiterated that it is only the aerial distance that should be considered for determining the level of pollution caused and the actual distance is immaterial. It is submitted that apart from that, unprecedented noise pollution from heavy and unrequired traffic through Town limits for which Respondents 10, 11, 12 & 13 are one of the major reasons. It is submitted that there were many road accidents taken place resulting in loss of life and disabilities and to obtain the relevant details by way of an application under RTI Act was forwarded to ASP, Tandur but the same has not been answered so far in-spite of more than repeated reminders. It is submitted that the Town of Tandur & Karankote has recorded the highest number of accidents.

24. It is submitted that with respect green belt the norms fixed is 33% coverage of land with Trees under normal conditions but again it is reiterated that not even 15% of our Tandur Constituency land is covered by Trees. It is submitted that the tall claims made by the respondents 10 to 13 with respect afforestation and increasing the green belt coverage is utter hogwash.

For : Tandur Citizens Welfare Society

 President

25. It is submitted that thousands of trucks carrying cement are being loaded in open air at Railway Station platforms of Tandur which is in the middle of the Town and thereby created nuisance for public and passengers ever since from the institution of these Industries. Moreover it is submitted that, the innumerable numbers of wagons are being loaded at platforms without following the guidelines formulated by CPCB. It is submitted that the above four respondents claim to have invested huge sum of money in the purchase and up-keep of pollution control equipment and devices however, in reality pollution continues to pose a serious menace to the residents of Tandur as per the recent Air Pollution Ambient Report.

26. It is to be noted that, even as per the comprehensive Report submitted by the 4th Respondent herein, it clearly reveals that the level of PM₁₀ values pertaining to the 11th respondent are in excess of the standard limits. It is submitted that the SPM value is exceeding the standard limit. Similarly, the SPM values of the 9th Respondent is well in excess of the standard limit.

Prayer:

For the foregoing reasons it is humbly prayed that this Hon'ble Tribunal may be pleased to direct the respondents 1, 2, 3 4, 6, 8 herein to prevent respondents 7 and 9 to 13 from causing air and noise pollution in and around Tandur Taluk, Ranga Reddy District and further prevent respondents 9 to 13 herein from plying Heavy vehicles / Trucks in the narrow roads of Tandur Town and further direct the respondents to monitor Air and noise pollution emanates from the cement industries of respondents 9 to 13 and 7 herein and to pass such further or other orders deems fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai 13th day of February, 2021

K.R. N S P

COUNSEL FOR APPLICANT

For : Tandur Citizens Welfare Society

 President
 APPLICANT

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

Application No. 195 of 2016

BETWEEN

TANDUR CITIZENS WELFARE SOCIETY

Reg.No.714/2016

Rep. by its President,

Mr.Rajgopal Sarda,

Having its registered office at

No.7/7/52/4A, Gomthi Kunj,

TANDUR-501141.

Rangareddy District,

Telangana.

...Applicant

AND

Government of Telangana,

Rep. by its Secretary,

Environmental and Forest Department,

Secretariat,

Hyderabad – 500 022.

And others.

... Respondents

REJOINDER FILED BY THE APPLICANT

**K.R.NISHANTH
Counsel for Applicant
99529 44579**

