

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI (SZ)**

Original Application No. 14 of 2019

Padma Kodali

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Haruvanahalli village,
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Applicant

Versus

Karnataka State Pollution Control Board

Rep. by its Member Secretary
"Parisara Bhavana", 1st to 5th Floor,
No.49, Church Street, Bengaluru – 560001
Karnataka State and 2 others
E-mail: memsecy@kspcb.gov.in
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..... Respondents

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Dated at Chennai on this 20 day of August 2020

Applicant
(Party in Person)

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**OBJECTIONS FILED BY THE APPLICANT ON THE INSPECTION
REPORT DATED 20-03-2020**

I, Padma Kodali, W/o Kodali Srinivasa Rao, Hindu, female, aged about 59 years residing at Haruvanahalli village, Chilakanahatti Post, Hosapete Taluka, Ballari Dist. Karnataka State do hereby solemnly affirm and sincerely state as follows:

1. The Applicant states that the Applicant is the resident of Haruvanahalli village and as such she is conversant with the facts and circumstances of the case.

2. The Applicant submits that, that the Inspection Report dated 20-03-2020 by R1 according to the said order dated 23-01-2020, is full of fabricated data entirely concealing the factual data, revelation of which does not allow the said R3 industry to dump hazardous wastes of neighboring Sponge Iron Industry 'PSUPL' comprising of dolochar, kiln accretions and fly ash against Hazardous Waste Management Rules 2016.

The Applicant is starting her objections with the analysis of Reply Affidavit submitted by R1 on 20-03-2020 in regard to Hon'ble Tribunal Order dated 23-01-2020.

R1 has answered **only** 9 out of 27 allegations out of which 2 similar answers

"The industry has stopped the production from Dec 2013 and GESCOM has permanently disconnected the power supply (w.e.f. 18-10-2015) vide letter dtd: 19-06-2016. M/s Sai Vijay Steels Udyog Pvt Ltd are storing the solid waste in the said premises of M/s K B Steels Pvt Ltd"

and

"The KSPCB has issued the CFE to the said industry on 31-03-2005 for setting up of new industry for the manufacture of Steel Ingots with production capacity of 350MTPM. The unit is not covered under EIA Notification 2006 and hence not required EC." are repeated to and fro, the former one repeated for 4 times as a reply to serial number 1, 6, 8 and 9 **and** the latter for 3 times as answer to serial numbers 2, 3 and 4 in the reply affidavit of R1..

3. The Applicant further states that, that one of the answers answered for serial number 7 of 9 answered is irrelevant and is quite disturbing to be stated by a responsible Pollution Control Board, which means that according to R1 i.e., KSPCB, **if there is a compound wall anyone can operate any kind of hazardous waste handling in open area.**

R1 in this context also failed to disclose the truth that that the East wall of R3 towards lake is collapsed as shown in pictures in page 30 of O.A.

4. The Applicant further submits that, that the one and only allegation that is given a different explanation by R1 out of the 9 answered, is the most disgraceful one to be given by a very responsible govt. body, that is existing to safeguard the issue of global concern the "Environment", which is a property of the whole world having no boundary, as the reply is a disclosure of the unscrupulous attitude of the Authority, indirectly saying that it is not bound to respect the law of the land by stating without any inhibitions that that M/s Saivijay Pragati Steel Udyog Pvt. Ltd., (**hereafter 'PSUPL'**) made an agreement with R3 to dump its hazardous waste, being well aware of the fact that that the neighboring industry 'PSUPL' is fined for Rs. 50 + 10 lacs twice by Hon'ble Tribunal, Principle Bench, New Delhi, towards environmental compensation for non compliances of 13 major **pollution control measures, one of which is construction of closed sheds for kiln accretions, dolochar, iron ore fines and fly ash and other hazardous wastes.** It is nothing but that, that it is not reminded of its duty to make the said industry execute the Order of Hon'ble Tribunal and that it is on the other hand indirectly encouraging the Sponge Iron Industry PSUPL the neighboring industry to dis-regard the Hon'ble Principle Bench New Delhi Orders dated 28-01-2019 by keeping quiet after knowing about the agreement between R3 and PSUPL.

5. The Applicant in this regard submits that, this also clearly depicts the attitude of R1, to what extreme heights it has taken for granted the Tribunal / Court that that it will not be hauled up by the courts even if it is understood by the Tribunal along with the whole world that that R1 is encouraging violators of Environmental norms (Rules and Acts) not insisting them to execute Orders of Tribunal / Courts, and also by not penalizing

them for disregarding Orders of the Tribunal, being in collusion with them for reasons only known to them.

6. The Applicant also submits that, that the above said allegation is made by the Applicant depending upon the fact that 20 long months have passed after the Order dated 28-01-2019 of Hon'ble Tribunal, Principle Bench, New Delhi is passed, according to which it is clear that dumping of hazardous wastes of Sponge Iron Industries (or any such industries) in open area of its own premises is a crime as it does irreparable damage to environment as a whole along with mankind and natural resources in its close vicinity, R1 instead of cancelling the CFO of neighboring 'PSUPL' industry for not executing the Hon'ble Tribunal order dated 28-01-2019 by constructing closed sheds for the Hazardous Waste is letting it to commit or do a bigger crime of dumping the hazardous waste in an open premises of its neighbourhood that has no CFO to let such operations be carried out in it.

7. The Applicant further draws the attention of the Hon'ble Tribunal towards the extent of regard given by R1, by submitting replies point wise to Hon'ble NGT Orders dated 23-01-2020 in respect to the Applicant's O.A. by as follows:

Direction no.1 Part (i): R1 did not care to contradict this direction which has a typing mistakes in the said Order stating that:

i] Applicant's house is 100meters away from R3 contrary to what is alleged in O.A. in Page 6 of Point no.2.

ii] The hazardous waste heaps in R3 premises are not related to R3 that are left for a long period, which is contrary to the allegation of Applicant that they are being dumped by the neighboring industry 'PSUPL'.

The Applicant's / Petitioner's Poultry proposed chick-shed is at a distance of 100meters from R3 industry and her house is very near to the down-wind of R3.

Direction I of the Order Part (ii): The second part of the direction is regarding the presence of lakes in abutting land of R3 which is true since it is not contradicted by R1 and vice versa, and also that it is depicted in Google picture which cannot be wrong as (it is a Google picture) in Page 24 of O.A. Heere-kere is seen in abutting survey no. 36/E which is abutting R3. Hosa-kere is connected by a canal as seen in the Google picture.

In the said Google picture are also seen 7 water coarses / streams / brookes originating from North of North-west, North, East of South-east, West of South-west merging into the said Heere-kere lake. 36/E is also seen in the document submitted as **Annexure-I** with the abutting survey number 37/C of R3, which is 'Gomaala' that is also filled with lake water during monsoon being a low lying land. This Gomaalu is meanta for grazing of cattle and sheep of poor farmers in the surrounding villages.

Direction No.2 of the Order: This is also neither contradicted nor proved wrong by counter documents and is regarded as true as seen in pictures in Pages 31, 32 and 33 of O.A. which clearly show the corns coated with black carbon dust of R3 pertaining to 'PSUPL' which are good for nothing.

Direction No.3 of the Order:

R1 has taken it very light and did not feel responsible to reply regarding this very important bio-diversity issue. The migration of storks / cranes of different colors and sizes that migrate from Arabia every year in the month of August/September that are seen in pictures in Page 31 of O.A. are seen decreasing year by

year since the establishment / operation of the said industries in 2005. Not only these, the local birds like crows, parrots, bulbuls, sparrows and other such species that used to be seen flying in big flocks during evening time before sunset towards Notified Bandri Reserve Forest (which is to the South-east of R3) for resting are rarely seen anymore these days. Peacocks as alleged by the Applicant are also rarely seen.

There are no butterflies or bees in this area which have disappeared completely in the last 4-5 years.

The contaminated water of the Heere-kere lake is also seen black in color with carbon dust as seen in pictures of Page 31 & 32 of O.A. video is being tried to send the Hon'ble Tribunal to show the carbon dust layer on the surface of lake water, showing collapsed wall of R3, new Cement Grinding Industry and 'PSUPL' in the back ground.

Letter to Deputy Commissioner, Ballari Dist. by villagers is submitted as Annexure-2 with this objections application.

8. The Applicant's further more submits to this Hon'ble Tribunal, the degree of respect, R1 has given to direction no.5 of the Order of Hon'ble Tribunal dated 23-01-2020 regarding this O. A. of the Applicant.

This Order of the Hon'ble Tribunal has 6 different directions embedded in it as numbered below:

"Before proceeding further, we feel it appropriate to get a report from the Karnataaka State Pollution Control Board regarding:

(i)the Present Status of the industry

(ii)whether the allegation of the Applicant are true and if so

(iii) what is the nature of the pollution caused to air, soil as well as water and

(iv) what is the action taken by the Pollution Control Board regarding the same

(v) If hazardous substances kept in the premises without proper disposal against the Hazardous and other Waste (Management and Transboundary Movement) Rules 2016, and also Solid Waste Management Rule, 2016

(vi) and submit factual and action taken report to this Tribunal within a period of one month".

(i) Regarding the Present Status of the Industry:

This direction is being complied by the Applicant herself as R1 failed to comply this part of the direction specifically with details:

A] The CFE of the said land 37/C of the R3 is issued by the R1 for MS INGOTS of 350 MTPA (INDUCTION FURNACE 6.0 Tonnes Heat Capacity)

B] The Validity of the CFE expired in 2017 which means the R3 has no valid CFO to operate any kind of operations in it.

C] The CFE is issued is subject to some conditions which are to be strictly complied by R3:

(i) First and foremost condition clearly states that "the industry shall not undertake expansion / diversification / modernization / Change of the location site etc. without the prior clearance from the Board"

Present status: At present the R3 industry has undertaken **diversification of activities in the land by dumping the hazardous wastes like Kiln Accretions, Fly Ash and**

Dolochar including Iron Ore fines which is the Hazardous Waste of the neighboring Sponge Iron Industry (PSUPL) which is nothing but “diversification” resulting in violation of this condition.

(ii) The 3rd CFE Condition of the Industry is that that the *“This CFE is related only to pollution aspects of the said project with respect to the said location. This consent is in no way to be construed to give any right, in any nature, to the applicant what so ever, in this regard.”*

(iii) The pollution caused from the said site at **present** is not related to the industry (project) to which R1 has issued CFO and the industry has no valid CFO for any kind of industrial operation in its premises.

The said condition also mentions that that the said “consent is no way to be construed to give any right, in any nature, to the applicant whatsoever in this regard”.

But R1 i.e., KSPCB is now not inhibitive to state the Hon’ble Tribunal that that the industry is **leised out to PSUPL** for dumping of Hazardous Wastes of a Sponge Iron Industry which means R3 violated the condition imposed by R1 by taking the right that is not construed in its earlier CFO as follows:

To let the neighboring industry dump its Hazardous Wastes which is taken light by the PP as well as R1 i.e., KSPCB knowing very well how hazardous is the said activity while unloading, crushing and sorting out of the same, causing irreparable damage to Environment, Lakes, Notified Reserve Forests, Agriculture and the Gomaalu of 36/E in abutting survey number 37/C of the industry.

(ii) Whether the allegations of the Applicant are true:

None of the 27 allegations made by the Applicant are neither contradicted nor proved wrong with relevant documents by R1 as they are 100% true with relevant documents.

Silence to allegation is always regarded as acceptance and hence the Applicant it humbly requesting Hon'ble Tribunal to regard all the allegations of Applicant to be true as the Google pictures always speak the truth.

Having no option R1 has given irrelevant answers to the 9 out of 27 allegations that are discussed earlier in this Objection Application.

Thus all the allegations (from point no.2 to 29 of OA) of Applicant are said to be 100% true as none of them are said to be false by R1 except giving a generic answers repeatedly as discussed earlier in this application.

(iii) what is the nature of the pollution caused to air, soil as well as water and

The industry is a secondary metallurgical industry that needs EC from the then MoEF when there was no SEIAA, Karnataka.

This allegation of Applicant is also true as mentioned by R1 in its reply affidavit to O.A. of the Applicant in.

a] **Pollution caused to air:** The Google Picture clearly shows the actual color of kiln accretions and dolochar which makes one believe by the magnitude and size as seen in Google picture that that the heaps are really as high as 25ft to 30ft and spread almost in 80% of R3 premises.

If pictures submitted by R1 are true the yellow color of the tarpaulin will be clearly seen in the same color in the Google picture. It is also not possible for human beings to cover such

big heaps with plastic sheet especially in a windy place of R3 which is 1800ft above the sea level.

The pictures shown in Page no.31 and 32 of OA depict the air pollution caused from R3 premises due to wind.

R1 has done the inspection in midsummer in which at least one whirlwind a day occurs in that season.

The dust raised is making the industry invisible and the color of the dust raised is pure black in color proving that it is the kiln accretions and dolochar that is raised and spread all around in the agricultural lands, lakes and Notified Reserve Forest of 17,500acres.

b) **soil pollution:** The same fugitive emission from the heaps of Hazardous Waste of Sponge Iron Industry 'PSUPL' dumped in R3 is settling all over in the surrounding soils of agricultural lands, forests and including in Applicant's land.

This can be concluded by anyone who understands the factual situation in and around R3.

c) **water pollution:** Water of the Heere-kere which occupies in abutting survey number 36/E also in rainy season is the worst area that is maximum polluted by the fugitive emission of Hazardous Waste and the runoff water from all the heaps and neighboring 'PSUPL' industry is immediately reaches this lake along with the Hosa-kere also as seen in **Annexure-II** submitted along with this objections which is a continuation to Heere-kere connected by a canal. Applicant is trying to send a video of 20th August 2020 to show the pollution in the lake water.

All the 3, air, soil and water pollution is worst and un-imaginable during whirlwinds from FEB to JUNE, during which whirlwinds and early monsoon occur and a continuous fugitive emission is spread

all around in a radius of 500meters carried by heavy wind. This emission exists 24X7 due to the hazardous dust borne operations in neighboring Sponge Iron Industry like loading, unloading of raw material iron ore, coal etc. (Highly Polluting Industry) which itself is also having **iron ore, iron ore fines and hazardous wastes all around the industry to a height of 20-30ft above the compound wall.**

Not only this the dust borne operations like unloading and feeding of coal, loading of finished product, unloading of iron ore, feeding of iron ore to feeder in an unscientific manner, loading of dolochar and kiln accretions to dump in R3 industry and again the unloading of kiln accretions, dolochar and fly ash in R3 premises are all very highly polluting dust operations that take place round the clock and 24X7.

All the surrounding area including the roads are seen black in color with the spillage of the raw material from the vehicles during the above said transportation.

From all the aforesaid description, any layman can imagine how worse the hazardous pollution is in the surrounding area in a radius of 500meters the worst victims being the agricultural lands of Applicant in abutting land to West and Heere-kere abutting land to East.

(4) what is the action taken by the Pollution Control Board regarding the same

a) there is no action taken against R3 by the Board i.e., R1, in spite of continuous complaints from Applicant since 2014 and by poor villagers in the last one year **for reasons known only to them.**

b) It is pointless in expecting Board (KSPCB) which is not inhibitive to state that the K B Steels is taken for lease by neighboring PSUPL which is against Environmental Rules and Acts, to take action against R3.

c) No factual and action taken report is submitted to this Hon'ble Tribunal except giving the same repeated answers:

"The industry has stopped the production from Dec 2013 and GESCOM has permanently disconnected the power supply (w.e.f. 18-10-2015) vide letter dtd: 19-06-2016. M/s Sai Vijay Steels Udyog Pvt Ltd are storing the solid waste in the said premises of M/s K B Steels Pvt Ltd"

and

"The KSPCB has issued the CFE to the said industry on 31-03-2005 for setting up of new industry for the manufacture of Steel Ingots with production capacity of 350MTPM. The unit is not covered under EIA Notification 2006 and hence not required EC."

In this context the Applicant humbly submit to this Hon'ble Tribunal, to consider all the allegations of Applicant's allegations as 100% true, as they really are, since all the 27 allegations of Applicant are un-contradicted by R1

9. The Applicant also further humbly requests the Hon'ble Tribunal to know the area of R3 with abject understanding of the Google pictures submitted by the Applicant and declare the area as ecologically sensitive that cannot sustain highly polluting industries to operate in such an area as 37/C of R3 is recently declared as industrial area by KIADB in FEB 2020, after the case is filed by Applicant.

It is also questionable as to how KIADB the area in question with abutting survey number of 36/E, which is 'Gomaalu' a grazing land for cattle and sheep of poor farmers and shepherds, along with other ecologically sensitive areas earlier mentioned in this application without undergoing the mandatory procedure and a nod from R1.

The Applicant further states that, this hasty declaration is nothing but strategy of all the concerned departments including R1, defend and protect R3 being in collusion with R3.

This Applicant further submits that, it is heights of disgrace to environmental laws if this area is declared as industrial area by KIADB.

10. The Applicant further also submits that that R1 is helpless to be silent to the allegations of Applicant and to support the violator, R3 by concealing the factual data and submitting fabricated statements to the Hon'ble Tribunal, as there is a chance of arising of a bigger question if the factual data is disclosed regarding R3 and its surroundings, as to how KSPCB, SIEAA or other concerned departments let such Highly Polluting Industries of R3 and its neighboring DRI industry of Red Category are issued CFEs with Gomaala and Lakes of 400 acres in Abutting lands to East, a big sensitive agricultural activity of Fauna, the Applicant's Poultry Farming in the abutting lands to the West and Notified Bandri Reserve Forest of 17,500 acres with a lot of wild life species starting at a distance of ONLY 150 meters in survey number 101 of 107 acres extent, and 200 meters in survey numbers 119/1 in 42 acres to the east of South-east of R3 and its neighboring Sponge Iron Industry 'PSUPL'.

11. The Applicant further humbly is requesting the Hon'ble Tribunal to have a close study of all her allegations which are

made providing all the documentary proofs and to accept and regard all of them as true since none of them stand uncontradicted by R1 which means that it has accepted the allegations of the Applicant as genuine.

12. The Applicant is finally humbly submitting to the Hon'ble Tribunal to initiate directions according to the prayers of the Applicant as submitted in her O.A. if the same are found to be reasonable and genuine after the study of aforesaid arguments / statements made in support of her allegations.