

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI

ORIGINAL APPLICATION NO. 221 OF 2015 (SZ)

IN THE MATTER OF:

ISANAKA VEDAVATHI

...APPLICANT

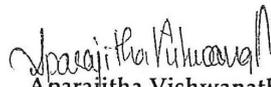
VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

INDEX

S.NO.	PARTICULARS	PAGE NOS.
1.	OBJECTIONS TO THE REPORT OF THE JOINT COMMITTEE DATED 20.11.2021 AND REPORT OF THE APPCB DATED 17.11.2021 ON BEHALF OF RESPONDENT NO. 8, SOUTH INDIA KRISHNA OIL AND FATS PRIVATE LIMITED	1-8
2.	ANNEXURE 1 – PHOTOGRAPHS OF THE RAIN WATER HARVESTING SYSTEM AT THE RESPONDENT NO. 8 UNIT	9-12
3.	ANNEXURE 2 – PHOTOGRAPHS OF THE OIL SKIMMER AT THE RESPONDENT NO. 8 UNIT	13-14


Aparajitha Vishwanath
RESPONDENT NO. 8

THROUGH

APARAJITHA VISHWANANATH
15/6 DEIVASGAMANI ST
ROYAPETTAH-14


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G.O.M.S. No: 304/2021, Valid up to 16-04-2026
Mobile: 94433 25929

For South India Krishna Oil & Fats (P) Ltd.,


Authorised Signatory.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI
ORIGINAL APPLICATION NO. 221 OF 2015 (SZ)**

BETWEEN

Isanaka Vedavathi,

H. No. 16-4-966, Pinakini Avenue, Near
Apollo Hospital, Nellore - 524 003
221 of 2015

... Applicant

AND

1. Union of India

(Represented by its Secretary),
Ministry of Environment, Forest and
Climate change III Floor, Prithivi Wing,
Indira Paryavaran Bhavan, Jor Bagh,
New Delhi-110 003

... Respondent No. 1

2. Andhra Pradesh Pollution Control Board

(Represented by its Member Secretary)
A-3, Parayavaran Bhavan, Sanath Nagar
Industrial Estate, Hyderabad, Telangana
State-500 018

... Respondent No. 2

**3. The District Collector/ District
Executive Magistrate**

Collectorate Buildings,
Nellore Town -524 002 SPS Nel1ore
District, Andhra Pradesh

... Respondent No. 3

**4. Andhra Pradesh Pollution Control
Board**

(Represented by its Regional Officer)
Regional Office, 1st Floor, A.P.S.F.C
Building) A.K. Nagar, Nellore Town &
District - 524 004, Andhra Pradesh

... Respondent No. 4

5. M/s. Adani Wilmar Limited (Unit-I)

Sy. No.292, 317, Pantapalem (V) (Epur
IB), Muthukur (M), SPSR Nellore Dist.
Andhra Pradesh- 524 323

... Respondent No. 5

6. M/s.Saraiwwalaa AGRI Refineries Ltd

(Represented by its Managing Director)
Pantapalem Village & Post (Via)
Niduguntapalem, Muthkur Mandal, SPS
Nellore District, Andhra Pradesh- 524323

... Respondent No. 6

Accepted 22/2/21

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For South India Krishna Oil & Fats (P) Ltd.,

Authorised Signatory

7. **M/s. Gemini Edibles & Fats India Pvt. Ltd**
(Represented by its Managing Director)
Pantapalem Village & Post, (Via)
Niduguntapalem, Muthkur Mandal, SPS
Nellore District, Andhra Pradesh- 524 323 ... Respondent No. 7
8. **South India Krishna Oil & Fats Pvt. Ltd.,**
Sy. No.275, 279, 280 & 281,
Epuru Bit - 1 B, Pantapalem Village,
Muthukur Mandal, SPSR Nellore District` ...Respondent No. 8
9. **M/s. Enami Biotech Ltd**
(Represented by its Managing Director)
Pantapalem Village & Post (Via)
Niduguntapalem, Muthkur Mandal, SPS
Nellore District, Andhra Pradesh- 524 323 ... Respondent No. 9
10. **M/s 3F Industrials Ltd**
(Represented by its Managing Director)
Pantapalem Village & Post, (Via)
Niduguntapalem Muthkur Mandal, SPS
Nellore District, Andhra Pradesh- 524 323 ... Respondent No. 10
11. **M/s Adani 'Wilmar Limited (Unit-II)**
(Previously M/s. Louis Dreyfus Commodities
India Pvt. Ltd.)
Sy. No.1601, Epuru Bit-IB, APIIC,
Pantapalem (V), Muthukur (M),
SPSR Nellore Dist Andhra Pradesh- 524 323 ...Respondent No. 11

**OBJECTIONS TO THE REPORT OF THE JOINT COMMITTEE DATED 20.11.2021
AND REPORT OF THE APPCB DATED 17.11.2021 ON BEHALF OF
RESPONDENT NO. 8, SOUTH INDIA KRISHNA OIL AND FATS PRIVATE LIMITED**

I, B. Muthukrishnan, son of Mr. S. Balasubramanian, aged about 39 years, working at Survey No. 275,279,280 & 281, Epuru Bit - 1B, Pantapalem (V), Muthukur (M), SPSR Nellore District, presently at Thiruvarur, do hereby solemnly affirm and declare as under:

1. That I am currently designated as Senior Plant Manager of the Respondent No. 8, South India Krishna Oil and Fats Private Limited and as such an officer of the Company, I am fully conversant with the facts of the present case.

Ad. 14/12/21
G. GOPALAKRISHNAN, B.Sc., B.L.,
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Mobile: 94433 25929

For South India Krishna Oil & Fats (P) Ltd.,

[Signature]
Authorised Signatory.

2. That I have been duly authorized to sign and affirm this affidavit for and on behalf of the Respondent No. 8 in the abovementioned matter and as such am competent to sign and affirm this affidavit on behalf of the Respondent No. 8.
3. That I have read the contents of the report of the Joint Committee dated 20.11.2021 and report of the APPCB dated 17.11.2021. I have understood the true meaning of its contents, scope, purport and effect thereof.
4. The Hon'ble Tribunal had vide its Order dated 24.11.2021 directed the Respondents in the captioned proceedings to file their objections to the Report. The same have been set out in the paragraphs appearing hereinafter.
5. I say that the present OA No. 221 of 2015 has been filed alleging the discharge of effluents by edible oil refineries set up in Krishnapatnam Port region wherein the South India Krishna Oil & Fats Pvt. Ltd., has been arrayed as Respondent No. 8. However, the Applicant in OA No. 221 of 2015 has not taken any steps to pursue the said application matter and has not even been appearing in the matter since several years, as has also been recorded in the order dated 16.03.2020 passed by the Hon'ble Tribunal in the said OA No. 221 of 2015
6. In the above circumstance, a Joint Committee was appointed by this Hon'ble Tribunal to look into the matter. The said Joint Committee has inspected inter alia the Respondent No. 8's Unit and has filed two reports before the Hon'ble Tribunal - dated 01.12.2020 and 10.08.2021. At the outset, it is submitted that the Respondent No. 8 Unit is fully compliant with all existing applicable laws and standards prescribed by various pollution control regulatory bodies, including the Ld. APPCB. This is also corroborated by the fact that even the reports, of the authorities demonstrate substantial compliance and the alleged non-compliance pointed out are neither directly attributable nor relatable to Respondent No. 8 and is based on assumptions. The Respondent No. 8 has also filed objections by way of an affidavit to the findings of the Joint Committee in both the said reports vide affidavits dated 23.02.2021 (in respect of the report of the Joint Committee dated 01.12.2020) and 14.09.2021 (in respect of the report of the Joint Committee dated 10.08.2021).

Dec 14/2021
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Mobile: 94433 25929

For South India Krishna Oil & Fats (P) Ltd.,


Authorised Signatory.

7. The Joint Committee subsequently filed a report dated 20.11.2021 setting out action taken by the Joint committee in compliance with the order passed by the Hon'ble Tribunal.
8. I say that in the said report, the Joint Committee has yet again failed to consider all the objections raised by the Respondent No. 8 vide affidavits dated 23.02.2021 (in respect of the report of the Joint Committee dated 01.12.2020) and 14.09.2021 (in respect of the report of the Joint Committee dated 10.08.2021). In the said affidavits, the Respondent No. 8 has disputed the assessment of purported EC by the Joint Committee and has also objected to the wrongful and unilateral encashment of Bank Guarantee deposited by the Respondent No. 8 by the Ld. APPCB to the extent of INR 10,00,000, in view of the purported observations contained in the Order No. 149/ APPCB/UH-II/TF/NLR/2019 dated 28.09.2020, in its objections dated 23.02.2021. The Respondent No. 8 has categorically also disputed the findings by referring to and relying upon relevant facts and supporting evidence which remains uncontroverted by the Respondent authorities till date. Consequently, the arbitrary and whimsical assessment of purported EC has been specifically disputed by the Respondent No. 8.
9. In fact, it has specifically been highlighted in the objections dated 14.09.2021 filed in response to report of the Joint Committee dated 10.08.2021 that the findings contained in the same are inconsistent with the findings/ observations contained in the previous report dated 01.12.2020. Additionally, it is a matter of fact that no rejoinder has been filed to the aforesaid objections filed by the Respondent No. 8 to the aforesaid Joint Committee reports and therefore, the contents of the said objections filed by the Respondent No. 8 remain uncontroverted.
10. Further, I say that the above objections taken by the Respondent No. 8 in its affidavits dated 23.02.2021 (in respect of the report of the Joint Committee dated 01.12.2020) and 14.09.2021 (in respect of the report of the Joint Committee dated 10.08.2021) and additional submissions to the Ld. APPCB and Joint Committee have not even been considered by the Joint Committee in its report dated 20.11.2021, who has unilaterally proceeded in a mechanical manner to impose an exorbitant amount of INR 1,05,86,000/- payable as Environmental Compensation (EC) by the

Respondent. The contents of the said affidavits dated 23.02.2021 (in respect of the report of the Joint Committee dated 01.12.2020) and 14.09.2021 (in respect of the report of the Joint Committee dated 10.08.2021) may be read as part of the present affidavit, the contents of which are not being repeated for the sake of brevity. The said report of the Joint Committee dated 20.11.2021 does not offer any reasons or cogent explanation for ignoring the submissions of the Respondent No. 8 contained in its various submissions, nor does it specifically deal with the said objections in any manner whatsoever.

11. Specific responses to the contents of the Report of the Joint Committee dated 20.11.2021 have been set out hereinbelow

Table 1: Review of objections raised by the industry against committee report of December, 2020.

Sl. No.	Objection raised by the industry	Decision of the committee	Remarks	Respondent No. 8 Remarks/ Objections
M/s. South India Krishna Oil & Fats Pvt. Ltd.				
8	The industry reported that they are in the process of improving the storm water drains, issued work order for rain water harvesting system and placed order for oil & grease skimmer.	The industry is supposed to maintain the storm water drains in such a way that they shall be in dry condition during sunny days and storm water shall not get contaminated with rain water. But, on the day of inspection, there is no rain but contaminated effluent was present in the storm water drain. Rain water harvesting system not yet completed. Further, oil & grease skimmer also not yet provided. Hence the committee recommended the unit to improve wastewater handling and also reported as partially complied.	Partially complied during committee inspection. Objection need not be considered	During the visit of the Committee, it was admittedly found that the ETP of the Respondent's Unit was duly in operation, as mentioned in the Committee's Report of August, 2021. The Respondent No. 8 has installed storm water drains. A permanent pipeline network with appropriate colour coding is already in place to transfer the entire effluent to the ETP. The process of collection of first flush of storm water for the first 15 minutes and routing of the same to the ETP is in place. The Unit ensures that there is no entry of contaminated waste water into the storm water drains. The rain water harvesting system is in place. The photographs of the same are attached herewith and marked as ANNEXURE 1 .

				In addition to the existing oil & grease trap, the two units Oil Skimmer is also installed and the same is functioning for removal of oil and greases. The photographs of the same are attached herewith and marked as ANNEXURE 2.
9	The industry reported that they have provided odour control system.	The committee observed severe odour nuisance within the premises and the same was reported. However the unit assured the committee that corrective measures shall be taken and odour will be controlled.	Objection need not be considered	These observations are apparently contrary to the directions that had been issued by the APPCB vide order No. 149/APPCB/UH-II/TF/NLR/2019 dated 28 September 2020 wherein as per the observations of the officials of RO, Nellore who had inspected the industry on 28 July 2020, " <i>Odour problem is observed <u>outside</u> the industry premises</i> ". This had also been specifically objected by the Respondent No. 8. Therefore, it is apparent that the Joint Committee who has unilaterally proceeded in a mechanical manner to impose an exorbitant amount of EC on the Unit.
10	Objected the levy of Environmental Compensation of Rs. 1,05,86,000/-	The unit is partially complying but unit is in the process of implementing corrective measures. As there is some improvement and some more improvements are under progress, the committee has considered R factor as Rs. 100/- only	Objection need not be considered. Unit was partially complying during committee inspection. EC is assessed till compliance is achieved. EC of Rs.1,05,86,000/- is assessed as per CPCB formula considering the improvements made by the unit.	The above table is cogent evidence that the Joint Committee has not considered a majority of the objections raised by the Respondent No. 8 in its objections by way of an affidavit to the findings of the Joint Committee in both the said reports vide affidavits dated 23.02.2021 (in respect of the report of the Joint Committee dated 01.12.2020) and 14.09.2021 (in respect of the report of the Joint Committee dated 10.08.2021), as also the numerous representations made by the Unit to the APPCB.

				As per the Order dated 24 November 2021 passed by the Hon'ble National Green Tribunal, the APPCB has been directed to keep the direction to pay the compensation in abeyance till the next hearing date.
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12. Moreover, the Action Taken Report unfairly states that the Respondents are filing Objections without paying the EC to delay the process. The Action Taken Report attempts to mislead this Hon'ble Tribunal while ignoring the fact that the very basis for levy of EC is being challenged on facts and in law.
13. I say that the report of the Joint Committee dated 20.11.2021 is misdirected as it merely repeats the direction to pay EC even as the very allegation of non-compliance is being resisted. The Action Taken Report appears to have misinterpreted the directions of this Hon'ble Tribunal to file further Action Taken Reports as permission to recover EC despite the pending proceedings and in complete disregard for the objections filed by the Respondent No. 8.
14. I say that the report of the APPCB dated 17.11.2021 is a bald restatement of the unsubstantiated recommendations of the Joint Committee directing payment of EC as determined by the Joint Committee. There is no consideration of the various objections, submissions and pleadings filed by the Respondent No. 8 and the Ld. APPCB has proceeded mechanically in praying for directions for payment of exorbitant EC.
15. I say that the act of imposition/ levy of EC in the absence of determination/ adjudication by this Hon'ble Tribunal, is misconceived and unwarranted and a brazen attempt to overreach the powers of the Hon'ble Tribunal and render the submissions of the Applicant in its submissions filed before the Hon'ble Tribunal, infructuous and redundant. It is submitted that the Applicant has established a prima facie case of compliance with the routine directions issued by the relevant authorities and hence the Order dated 23.09.2021 is unwarranted. Needless to mention, the Order dated 23.09.2021 is inextricably linked to the OA 221 of 2015 and the outcome the OA 221

of 2015 has a bearing on the Applicant's stand on merits of the matter and determination of any alleged liability to pay EC, if at all.

16. I therefore submit and pray that the recommendation of imposition of EC as set out in the report of the APPCB dated 17.11.2021 and the report of the Joint Committee dated 20.11.2021 is without any basis whatsoever and must be dismissed at the threshold, as against the Respondent No. 8.
17. I pray that the Respondent No. 8 may be permitted to file additional submissions over the course of proceedings, as may be required, in the interest of justice.
18. The contents of the present affidavit are true and correct to the best of my knowledge and belief.
19. The annexures annexed to the present Affidavit are true and correct copies of their respective originals

For South India Krishna Oil & Fats (P) Ltd.,


Authorized Signatory.
DEPONENT

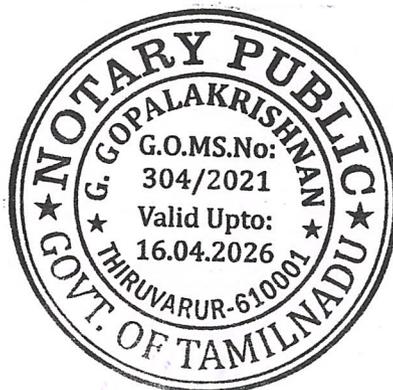
VERIFICATION

I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed there from.

Verified at Thiruvarur on this the 14th day of December 2021 For South India Krishna Oil & Fats (P) Ltd.,


DEPONENT
Authorized Signatory.

Signed before me




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9



33 KV SWITCH YARD

33 KV
SWITCH YARD

**RAIN WATER
HARVESTING PIT**
వర్షపు నీటి సేకరణ గుంట





**RAIN WATER
HARVESTING PIT**
వర్షపు నీటి సేకరణ గుంట





RAIN WATER
HARVESTING PIT
వర్షపు నీటి సేకరణ గుంట

12

RAIN WATER
HARVESTING PIT
వర్షపు నీటి సేకరణ గుంట





