

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE)

SOUTHERN BENCH, CHENNAI

ORIGINAL APPLICATION No. 221/2015

Isanaka Vedavathi

...Applicant

Versus

Union of India & 10 Ors.

...Respondents

INDEX TO ADDITIONAL TYPED SET OF DOCUMENTS FILED ON BEHALF OF

THE 11TH RESPONDENT

M/s. Lakshmi Kumaran & Sridharan Attorneys

Raghavan Ramabadran (E/1573b/2008)

P. Sridharan (E/10/2016)

A.Lawrence (E/1074/2008)

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Counsel for 11th Respondent

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THE 11TH RESPONDENT**

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Date: 18.04.2022



Counsel for the 11th Respondent

From: Ch. Rajasekhar <ronlr-ee1@appcb.gov.in>
Sent: 11 April 2022 17:32
To: rajesh itta; Vishal kumar. Jain; Adani Wilmar Unit-I; rajesh itta; Prabhakara Korrapati
Cc: Member Secretary APPCB; Sri. KVN Chakradhar Babu IAS, Collector SPS Nellore; N.V.Bhaskar Rao JCEE; M.Rajashekar
Subject: APPCB – RO, Nellore – M/s. Adani Wilmar Limited (Unit-II) (formerly M/s. Louis Dreyfus Company India Pvt. Ltd.,) Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District – Illegal use of groundwater – Non- compliance with t...
Attachments: 11.04.2022 - scn to adani wilmar Unit - 2 louis.pdf

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Sir,

It is herewith attached showcause notice issued to your industry for non-compliance of the Board directions order dated. 23.09.2021 and directed to submit compliance to the notice within the stipulated time to the Board.

With regards
Environmental Engineer,
APPCB, RO, Nellore.



 <p>ఆంధ్ర ప్రదేశ్ ANDHRA PRADESH</p>	<p align="center">ANDHRA PRADESH POLLUTION CONTROL BOARD REGIONAL OFFICE : NELLORE 1st Floor, A.P.S.F.C BUILDING, A.K.NAGAR, NELLORE - 524 004</p> <p>Ph.No.0861-2329730 email: ronlr-ee1@appcb.gov.in</p>
---------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Showcause Notice No. N-855/PCB/RO-NLR/2021-

Dated 11.04.2022

SHOW CAUSE NOTICE

Sub: APPCB - RO, Nellore - M/s. Adani Wilmar Limited (Unit-II) (formerly M/s. Louis Dreyfus Company India Pvt. Ltd.,) Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District - Illegal use of groundwater - Non-compliance with the Board directions issued on 23.09.2021- **SHOWCAUSE NOTICE - Issued - Reg.**

Ref : 1) CFO Order No. APPCB/VJA/NLR/161/CFO/HO/2019 dated 09/03/2019 valid up to 29.02.2024.
2) Orders of the Hon'ble NGT, Chennai in OA No. 221 of 2015
3) Order No.149/APPCB/UH-IV/NLR/2018 dated 23.09.2021.
4) Orders of the Hon'ble NGT (PB), New Delhi in OA No. 593/2017

WHEREAS you are operating an Edible oil refinery in the name & style of M/s. Adani Wilmar Limited (Unit-II) (formerly M/s. Louis Dreyfus Company India Pvt. Ltd.,) located at Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District.

WHEREAS, you have obtained Consent for operation (CFO) from the AP Pollution Control Board (Board) vide reference 1st cited to produce Refined Vegetable Oils (physical Refining) - 600 TPD; Refined Vegetable Oils (Chemical refining) - 200 TPD; Fractioned vegetable oil - 800 TPD; Interesterified Vegetable Fats - 150 TPD; Vanaspathi - 150 TPD & Co-product Palmstaerin - 167 TPD and By-products Distilled Fatty Acid (physical refining) - 48.0 TPD; Distilled Fatty Acid (chemical refining) - 0.8 TPD; Acid oil - 4.0 TPD; Soap stock - 4.0 TPD & Acid sludge - 0.6 TPD, which is valid up to 29.02.2024, subject to certain terms & conditions stipulated therein.

WHEREAS an application was filed before the Hon'ble National Green Tribunal, South Zone, Chennai vide OA. No. 221 of 2015 against the pollution problems caused by the edible oil refinery units operating in & around Krishnapatnam Port, Muthukur Mandal, SPSR Nellore District.

WHEREAS the External Advisory Committee (Task Force) at Board Office, Vijayawada, has reviewed your unit on 07.09.2021 and issued specific directions vide order dt.23.09.2021.

WHEREAS the Board has stipulated a specific direction among other directions that "the industry shall stop procurement of water from the outside agencies which were tapped in an illegal manner. They shall meet water requirement from government authorized sources only" vide order dt.23.09.2021

WHEREAS you have neither stopped the usage of illegally tapped groundwater nor taken active steps to meet water requirements from Government authorized sources to prevent groundwater depletion in the area.

WHEREAS your industry/ Krishnapatnam Edible Oils Refiners Association has been submitting the different proposals for the past decade, such as drawl of water from Sarvepalli reservoir, installation of the desalination plant and now drawl of water from Nellore Municipal Corporation, but continuing production by using illegally tapped groundwater, but continuing the production by using illegally tapped groundwater.

WHEREAS it is obligatory on your part to comply with the directions issued by the Board vide order dt.23.09.2021, but not yet adhered to the other directions also.

WHEREAS continuing production by using illegally tapped groundwater indicates that you are not complying with the directions issued by the Board, in spite of ample opportunity & time given to you. Thereby you are responsible for the depletion of the groundwater and deterioration of groundwater quality i.e. increase of the Total Dissolved Solid (TDS) concentration in the area.

4

WHEREAS the Hon'ble NGT (PB) in OA No. 593//2017 formulated the Environmental Compensation Rate (ECRGw) for illegal use of Ground Water, thereby you are also liable for levy of environmental compensation.

Hence, you are hereby directed to SHOWCAUSE as to why action shall not be taken to issue a closure order to your industry under Section 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 & amendments and under Section 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & amendments thereof for non-compliance of the Board directions, in-spite ample opportunity available to your unit. Further, you are also directed to furnish your compliance within seven (7) days.

Should you fail to comply with the above or failed to furnish your reply within time, it will be construed that you have no valid reasons to furnish before the Board and the Board will be constrained to take action on merits of the case to issue closure order and to direct disconnection of power supply to your industry under the provisions of the aforesaid Acts & enactments notified to safe guard the environment, without further notice.

RAJA SEKHAR
CHINTAPALLI
ENVIRONMENTAL ENGINEER

To
The Occupier,
M/s. Adani Wilmar Limited (Unit-II)
(formerly M/s. Louis Dreyfus Company India Pvt. Ltd.,)
Sy. No.1601, Epuru Bit-1B, APIIC,
Pantapalem (V), Muthukur (M),
SPSR Nellore District

Copy submitted to the Member Secretary, AP Pollution Control Board, Board Office, Vijayawada for kind information.

Copy submitted to the Collector & District Magistrate, SPSR Nellore District, for kind information.

Copy submitted to the Joint Chief Environmental Engineer, Unit -II, AP Pollution Control Board, Board Office, Vijayawada for kind information.

Copy submitted to the Joint Chief Environmental Engineer, AP Pollution Control Board, Zonal Office, Vijayawada for kind information.

From: Prabhakara Korrapati <Prabhakara.Korrapati@adaniwilmar.in>
Sent: 17 April 2022 20:06
To: Ch. Rajasekhar; rajesh itta; Vishal kumar. Jain; Adani Wilmar Unit-I; rajesh itta
Cc: Member Secretary APPCB; Sri. KVN Chakradhar Babu IAS, Collector SPS Nellore; N.V.Bhaskar Rao JCEE; M.Rajashekar
Subject: RE: APPCB – RO, Nellore – M/s. Adani Wilmar Limited (Unit-II) (formerly M/s. Louis Dreyfus Company India Pvt. Ltd.,) Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District – Illegal use of groundwater – Non- compliance with
Attachments: FINAL REPLY UNIT 2 WITH ANNEX_170422.pdf

Dear Sir,

Please see attached our response in reply to Show cause notice dated 11.04.2022 received by email on 11.04.2022 5.32 PM.

As desired we are submitting compliances. It is requested to please look into the same.
Please acknowledge receipt of same.

Regards



K Prabhakara Rao

Human Resources | Adani Wilmar Ltd

+91 7228939496 Extn 76802 | prabhakara.korrapati@adaniwilmar.in

Sy No.292 & 317 Epuru 1b, Pantapalem, Muthukuru Mandal, SPSR Nellore Dist, Andhara Pradesh.

From: Ch. Rajasekhar <ronlr-ee1@appcb.gov.in>
Sent: Monday, April 11, 2022 5:32 PM
To: rajesh itta <rajesh.itta@adaniwilmar.in>; Vishal kumar. Jain <Vishal.Jain1@Adaniwilmar.In>; Adani Wilmar Unit-I <sreenivasulu.gundarapu@adaniwilmar.in>; rajesh itta <rajesh.itta@adaniwilmar.in>; Prabhakara Korrapati <Prabhakara.Korrapati@adaniwilmar.in>
Cc: Member Secretary APPCB <membersecy@appcb.gov.in>; Sri. KVN Chakradhar Babu IAS, Collector SPS Nellore <collector_nlr@ap.gov.in>; N.V.Bhaskar Rao JCEE <zovja-jcee@appcb.gov.in>; M.Rajashekar <unit2-jcee@appcb.gov.in>
Subject: APPCB – RO, Nellore – M/s. Adani Wilmar Limited (Unit-II) (formerly M/s. Louis Dreyfus Company India Pvt. Ltd.,) Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District – Illegal use of groundwater – Non- compliance with t...

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Sir,

It is herewith attached showcause notice issued to your industry for non-compliance of the Board directions order dated. 23.09.2021 and directed to submit compliance to the notice within the stipulated time to the Board.

With regards
Environmental Engineer,
APPCB, RO, Nellore.

6

**adani
wilmar**

17.04.2022

To,
The Andhra Pradesh Pollution Control Board,
Regional Office: Nellore
1st Floor, A.P.S.F.C Building,
A.K. Nagar, Nellore – 524 004
Email: ronlr-ee@appcb.gov.in

Respected Sir,

Subject: Seeking for dropping the proceedings in the Show Cause Notice bearing reference No. N-855/PCB/RO-NLR/2021 dated 11.04.2022.

Reference:

- (a) Consent For Operation Order issued in favour of M/s. Adani Wilmar (Unit-II) on 19/03/2019.
- (b) Original Application No. 221 of 2015 before the Hon'ble National Green Tribunal, Chennai.
- (c) Directions in Order No. 149/APPCB/UH-II/TF/NLR/2018 dated 23/09/2021 23.09.2021
- (d) Reply filed by M/s. Adani Wilmar Limited- Unit-II dated 13th October, 2021 with respect to aforesaid Directions dated 23.09.2021.
- (e) Interlocutory Application IA/155/2021 in OA/221/2015 preferred before the Hon'ble National Green Tribunal, South Zone against Order No. 149/APPCB/UH-II/TF/NLR/2018 dated 23.09.2021.
- (f) Appeal No. 77 of 2021 and Appeal No. 78 of 2021 preferred against Order No. 149/APPCB/UH-II/TF/NLR/2018 dated 23.09.2021 before the Hon'ble National Green Tribunal, South Zone ('NGT').
- (g) Order dated 24.11.2021 passed by the Hon'ble NGT in OA/221/2015 with IA No.155/2021.
- (h) Order dated 22.12.2021 passed by the Hon'ble NGT in OA/221/2015 with Appeal No. 77 of 2021 and Appeal No. 78 of 2021.
- (i) Show Cause Notice bearing reference No. N-855/PCB/RO-NLR/2021- dated 11.04.2022

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Fortune House
Nr. Navrangpura Railway Crossing
Ahmedabad – 380 009
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adani wilmar

1. This has reference to the Show Cause Notice dated 11.04.2022 (cited at Ref. (i) above) ('SCN') issued by the Andhra Pradesh Pollution Control Board ('APPCB/You'), a copy of which was issued to M/s. Adani Wilmar Limited (Unit- II) ('Unit'/ 'Company') at 5:30 p.m. IST by e-mail on 11.04.2022.
2. The sole allegation which forms the subject matter of the present SCN is Direction No.2 issued *vide* Order dated 23.09.2021 i.e., "*the industry shall stop procurement of water from the outside agencies which were tapped in an illegal manner. They shall meet water requirement from government authorised sources only*".
3. The SCN has been issued calling upon the Unit to show cause as to why action shall not be taken to issue a closure order to the unit under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 ('Water Act') and amendments and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981 ('Air Act') and amendments thereof for alleged non-compliance of the directions of the APPCB issued under Order No. 149/APPCB/UH-IV/NLR/2018 dated 23.09.2021 (cited at Ref. 3 above) ('Order dated 23.09.2021').
4. The SCN has directed the Unit to furnish compliance within seven (7) days. The SCN further stated that the failure to comply with the directions, or failure to furnish reply will entail a consequence of the issuance of closure order against the unit and disconnection of power supply to the unit without further notice.

The issuance of the SCN runs contrary to the Hon'ble NGT's Order

5. Insofar as the issue of water drawl is concerned, it is an admitted fact as acknowledged in Joint Committee Reports that the available ground water resources are not sufficient to meet the industrial water requirements. It was submitted by the Joint Committee in their Report dated 01.12.2020 to Hon'ble NGT to direct the Andhra Pradesh Industrial Infrastructure Corporation (APIIC) and Department of Industries, Nellore to supply water to the industries. There are seven edible oil industries operating in Muthukur village, Krishnapatnam and the issue concerning water procurement is common point for all the industries.
6. The Unit is procuring water from vendors, and the water is delivered at the factory gate. The Unit is not aware of any illegal drawal of water by the vendors. The Unit meets its water requirements partly from internal bore wells within the approved limits and partly from outside vendors.
7. The Unit is therefore constrained to purchase water from vendors since there is no source of water for Krishnapatnam edible oil industries as promised by the Government while setting up the industry. The Unit also took several efforts to equip themselves with an alternative including setting up of a desalination plant. This project required huge investments in addition to environmental clearances. However, on that specific

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aspect of setting up desalination plants, the talks with Krishnapatnam port did not yield result.

8. The unit's effort to draw water from Sarvepalli reservoir also failed due to lack of various government clearances. However, on account of the impact of the COVID-19 pandemic, the matter was at a standstill for about 6 months, despite the best efforts of the Unit. The industry consented to the Nellore Municipal Corporation for bearing the cost of the pipeline and in September 2021 requested for a Detailed Project Report to be drawn up. Thereafter on the 3rd of March 2022, vide letter bearing reference No. Roc No. 194/MAE/MCN/2021-22 Dated: 03.03.2022 from the Commissioner, Nellore Municipal Corporation intimated to the Unit that the Detailed Project Report is ready, and the cost of the project is Rs. 30 Crore and insisted the units to deposit Rs. 30 Crore.
9. Therefore, the only viable option for sourcing water is from Nellore Municipal Corporation and the industry association has consented to bear the cost of pipeline and the units are only waiting for the Detailed Project Report. Notwithstanding the above, industry association have indicated that we are in principle willing to source the water from Nellore Municipal Corporation (NMC) and are waiting for the detailed project report (DPR) from them. We have also communicated that we are willing to bear the proportionate cost of the project along with other industries.
10. The Unit reiterates that even though it is the responsibility of APIIC to provide water to the industry, we are willing to bear the proportionate cost of laying the water pipeline by Nellore Municipal Corporation to enable sourcing of water from them. It can be seen from above that the Unit through industry association have progressed significantly on the matter of sourcing water from Nellore Municipal Corporation and that there has been no delay from our side. (Copy of Letters dated 07/12/2021, 14/12/2021, 18/02/2022 and 03/03/2022 which are the latest correspondences concerning the water procurement issue is enclosed herewith for reference as **Annexure-1 to 4**).
11. Therefore, the present SCN with closure consequences has ignored the Orders of the Hon'ble NGT issued considering various directions issued by the APPCB and by the Joint Committee set up by the Hon'ble NGT (of which the APPCB is a part) from time to time in the Original Application 221/2015 pending on the files of the Hon'ble NGT. The present SCN has also been issued ignoring the factual developments in the matter.
12. The issuance of the present SCN is heavily anchored on Direction No. 2 in Order dated 23.09.2021. The aforesaid Order dated 23.09.2021 was issued by the APPCB, demanding that the Unit pay the remaining Environmental Compensation ('EC') of INR 73,80,000/- (proposed by the Joint Committee's Report dated 01.12.2020) and comply with all directions failing which the Unit would be closed under Section 33A of Water Act and Section 31A of the Air Act.

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adani wilmar

13. Against this Order dated 23.09.2021, the Unit had preferred IA 155 of 2021 (cited at Ref. 4 above) in OA/221/2015 and had also filed Appeals bearing reference Nos. 77 and 78 of 2021 challenging the directions as being premature since the directions therein were pending hearing before the Hon'ble NGT in OA 221 of 2015.
14. The I.A. No. 155 of 2021 was disposed of by the Hon'ble NGT *vide* its Order dated 24.11.2021 wherein the Hon'ble NGT has directed the APPCB not to proceed with coercive action towards the recovery of EC till the next hearing. (A copy of order is enclosed as **Annexure-5**).
15. Subsequently, *vide* paragraph 17 of the Order dated 22.12.2021, the Hon'ble NGT categorically directed the APPCB not to proceed with the directions already issued as they will be considered by the Hon'ble Tribunal while disposing the O.A. 221/2015. (A copy of order is enclosed as **Annexure-6**). The respective para of the said order is highlighted below for easy reference.

"Since, this Tribunal had expanded the scope of consideration of the entire reports and objections after getting the further reports, the Pollution Control Board is directed not to proceed with the directions already issued which also will be considered by this Tribunal while disposing the matter".
16. Thus, the proposals in the directions dated 23.09.2021 has effectively been stayed by the Hon'ble NGT *vide* Order dated 22.12.2021. Therefore, no further steps pursuant to the order dated 23.09.2021 ought to have been taken by the APPCB.
17. In this specific background, the issuance of the present SCN is violative of the directions issued by the Hon'ble NGT.
18. Therefore, the present SCN is unwarranted, arbitrary and the proceedings in the present SCN deserves to be dropped.
19. Without prejudice to the above, the Unit reserves its right to respond in greater detail to SCN dated 11.04.2021 in accordance with the principles of natural justice, fairness, and equity.
20. In any event, in the light of the above referred directions dated 24.11.2021 and 22.12.2021 issued by the Hon'ble NGT, and in the light of the fact that the Hon'ble NGT is seized of the entire matter by virtue of OA/221/2015 which is pending on the file of the Hon'ble NGT, it is imperative that the proceedings in the SCN be dropped.
21. If the proceedings in the SCN dated 11.04.2022 is not dropped, irreparable harm and prejudice would be caused to the Unit. It is therefore prayed that, the proceedings in the captioned SCN dated 11.04.2022 issued by APPCB is to be dropped in the interest of justice and equity.

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**adani
wilmar**

22. We also request for an opportunity of personal hearing to enable us to make our oral submissions for your kind consideration. We request that nothing further may be done in the SCN proceedings without first providing us an opportunity of hearing.

Sincerely,

For Adani Wilmar Limited (Unit-II)
(Asheesh Gupta)



Encl:

Documents cited in Annexure-1 to 6

Copy to:

- a) Sri A.K.Parida I.A.S(Retd),
Chairman, Andhra Pradesh Pollution Control Board,
D.No-33-26-14, D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari street, Kasturibaipet, Vijayawada - 521010
Email: chairman@appcb.gov.in
- b) Sri Vijay Kumar G.Srkr, I.A.S,
Member Secretary, Andhra Pradesh Pollution Control Board,
D.No-33-26-14, D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari street, Kasturibaipet, Vijayawada - 521010
Email: membersecy@appcb.gov.in
- c) Sri N.V.Bhaskar Rao, Joint Chief Environmental Engineer,
A.P. Pollution Control Board,
Zonal Office, Plot No. 41,
Gurunanak Road, Opp. State Bank of Hyderabad,
Sri Kanakadurga Officer's Colony, Vijayawada – 520 008.
Email: zovja-jcee@appcb.gov.in
- d) Sri Ch.Rajasekhar, Environmental Engineer
A.P. Pollution Control Board, Regional Office,
A. P. Pollution Control Board, 1st Floor, A P S F C Building,
A K Nagar Nellore – 524 004
Email: ronlr-ee1@appcb.gov.in
- e) District Collector and District Magistrate, SPSR Nellore District
Achari street Collector's office,
District Collectorate, Nellore, 524001
Email ID: collector_nlr@ap.gov.in

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Krishnapatnam Edible Oils Refiners' Association

203, Diamond House, Behind Topaz Building, Panjagutta, I-Hyderabad - 500082, Telangana

(Regn. No. 1020 / 2014)

To.

Date: 07-12-2021

The Municipal Commissioner
SPSR Nellore

Sub: Consent to draw Water from Nellore Municipal Corporation through pipeline for industrial purpose for edible oil refineries and request for initiation of DPR

Dear Sir,

We are the refiners of edible oils at Krishnapatnam port. The edible oil refining industry has developed here since the year 2010 onwards. There are seven refineries operating at Krishnapatnam port. We import crude edible oils at Krishnapatnam port, refine the oil and sell it in packaged or in bulk form, largely across the Southern and Eastern part of India.

To attract industry to set up in the state of Andhra Pradesh, the Andhra Pradesh Industrial Investment Promotion Policy 2010 – 2015, as issued by the Industries and Commerce department had committed delivery of water at the doorstep of the industry. The existing edible oil refineries at Krishnapatnam were all set up under this policy. However, this promise of water delivery at the doorstep of industry has not materialized. Now that our industries have been set up, we are having to fend for ourselves to source water, an essential item to run our industry. For operating our refineries, we require water for running boilers, cooling towers, gardening and drinking purpose.

The Ground Water Department of Andhra Pradesh has periodically given consent to dig borewells in our premises and we ran our units using water from those borewells. Over time as the refineries have expanded and water requirements have increased, with no source of water from the Government, the refineries have been purchasing water from outside vendors.

As directed by the District Collector and your recent past discussions we are all interested to take Water from Nellore Municipality through Pipe Line by keeping view of long-term industry interest. Our water requirement will be approx. 6000 KL./Day presently and in future it may go to 8000 to 9000 KL /Day as few more new units are coming up at Krishnapatnam.

Requesting your good self to kindly treat this as our consent and arrange for a DPR (Detailed project Report) for pipeline laying from Nellore corporation to Edible oil cluster.

Thanking you.

Yours faithfully.

For KRISHNAPATNAM EDIBLE OILS REFINERS' ASSOCIATION

Authorised Signatory



List of operating Edible Oil refineries in Krishnapatnam:

1. South India Krishna Oil and Fats Pvt. Ltd.
2. Emami Agrotech Ltd.
3. Gemini Edibles and Fats Ltd.
4. Adani Wilmar Ltd. (Unit -1)
5. Adani Wilmar Ltd. (Unit -2)
6. 3F Industries Ltd.
7. Santoshimathaa Edible Oil Refinery Pvt. Ltd.



Page 1 of 1

#1 Submitting copy to CC, Nellore, Nellore.

Krishnapatnam Edible Oils Refiners' Association

203, Diamond House, Behind Topaz Building, Panjagutta, I-Hyderabad - 500082, Telangana

(Regn. No. 1020 / 2014)

14th December 2021**The District Collector and Magistrate
SPSR Nellore District**

Dear Sir

Sub: **Consent to draw water from Nellore Municipal Corporation**Ref: **Memorandum vide ROC No.3656/2021-A6 Dated 20-11-2021 from Panchayat Officer,
Muthukur Mandal, SPSR Nellore District**

As directed by your good selves, we have submitted our willingness letter through our edible oil association to the Nellore Municipal Commissioner on 7th Dec 2021 to draw water through the pipeline.

Further, we have also requested NMC to provide the DPR (detailed project report) for laying of pipeline from the nearest point to the edible oil cluster.

In view of the above we humbly request you to allow us to maintain a status quo to draw water till the DPR is made and complete infrastructure is ready.

Thank You.

Yours Sincerely

For KRISHNAPATNAM EDIBLE OILS REFINERS'S ASSOCIATION

Authorised Signatory



Krishnapatnam Edible Oils Refiners' Association

203, Diamond House, Behind Topaz Building, Panjagutta, I-Hyderabad - 500082, Telangana

(Regn. No. 1020 / 2014)

18th January 2022

For the kind attention of NGT Committee

Dear Sirs,

Sub: Status report about mitigation measures undertaken

This is with regards to ongoing discussion with NGT team. We wish to update the status about actions undertaken by edible oil refineries at Krishnapatnam to protect the local environment.

It may kindly be noted that following actions have been taken on war-footing and are in line with suggestions made by NGT team. We hope that following actions will be an important intervention to protect the environment by edible oil refiners at Krishnapatnam.

Water Issue

We are actively perusing following options as suggested by authorities

- We have already applied for Municipal corporation water supply. Recently we all have given our consent to NMC to proceed with preparation of pipeline DPR. We are waiting for the same from their end. We attach herewith the letter sent to NMC and collector to help us in this regard.
- Parallely, we have approached authorities for supply of water from Sarvepalli reservoir. Upon enquiry, we have been given to understand that some of the approvals from government authorities are yet to be completed and are being taken up. Pending such approval, it may not be possible to give firm completion dates. We need help from APPCB for said clearances.

Ash land filling

Refineries Association has taken up this job collectively and almost 80 % work also completed. Recently, NGT committee had visited the site and expressed their satisfaction also. Remaining work also will be completed by 28/2/2022

Road Matter

Emami Agrotech and Adani Wilmar have jointly repaired this road by spending substantial amount. Recent esteemed committee also seen the road condition and have expressed their satisfaction. Simultaneously, refineries are putting all efforts to make a permanent road with the help of District Administration by clearing private parties' objections.

Real Time Monitoring through AAQ Meter

We collectively have already purchased this equipment and have decided to install at Pantapalem by 28/2/2022.

We trust that above measures are in line with what has been discussed and suggested by NGT team.

Thank you.

Yours truly



(Authorised Signatory)

For Krishnapatnam Edible Oil Refiners Association

14

File No.NMC-ED0ACPT/150/2021-ASSTENG-NMC-NLR

NELLORE MUNICIPAL CORPORATION

From
K.Dinesh Kumar, I.A.S.,
Commissioner,
Municipal Corporation,
NELLORE.

To
The Krishnapatnam Edible Oils
Refiner's Association,
Muthukur,
SPSR Nellore District.

Letter Roc No. 194 /MAE/MCN/2021-22 Dated: .02.2022

Gentleman,

Sub: Nellore Municipal Corporation – Engineering Section – Water supply to Industries – Willing to supply potable water to Edible Oil Companies situated at Krishnapatnam Port – Deposition of funds – Requested – Regarding.

Ref: 1. Your letter No: Nil Dt: 07.12.2021
2. Your letter No: Nil Dt: 14.12.2021

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It is to inform that, with reference to your letter vide ref.1st cited it is came to know that, Edible Oil industries were developed at Krishnapatnam Port since the year 2010 onwards and at present the following 7 Edible Oil Industries are being operated at Krishnapatnam Port.

1. South India Krishna Oils & Fats
2. Emami Agrotech Industries Limited
3. Gemini Edible Oils & Fats industries
4. Aadaani Willmar Unit – I
5. Aadaani Willmar Unit – II
6. 3F Industries
7. Santhoshimatha Edible Oil Refinery Pvt.Ltd,

File No.NMC-ED0ACPT/150/2021-ASSTENG-NMC-NLR

Further, you have informed that, the Andhra Pradesh Industrial Investment Promotion Policy 2010 – 2015, as issued by the Industrial and Commerce department had committed delivery of Water at doorstep of Industry and the same is not yet materialized. Hence, you have fend yourself to source water for day to day operations of oil refineries.

However, based on the discussions held during the previous review meetings held in the presence of District Collector, SPSR Nellore and Commissioner, Nellore Municipal Corporation and keeping view of long term industry interest, you have approached this office to supply piped water from Nellore Municipal Corporation.

In this connection, you have further requested this office in the reference 2nd cited to submit the DPR cost for laying of pipeline from the nearest water tapping point to the edible oil cluster for taking further necessary action.

Accordingly, this office had entrusted the DPR preparation job to the APUIAML consultants. Preliminary survey was conducted by their technical team and submitted line estimate for Rs.30.00 Crores.

In view of the above, it is here by informed that, the tentative project cost for laying of water supply distribution network from Nellore Municipal Corporation to Krishnapatnam Port area will be around Rs.30.00 Crores.

Hence, you are requested to deposit the same i.e., Rs.30.00 Crores infavor of Commissioner, Nellore Municipal Corporation to take up the execution of laying of Water Supply pipeline immediately as desired by your association.

Yours faithfully,

Commissioner
Nellore Municipal Corporation

Item No.13:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 221 of 2015 (SZ) &
I.A. Nos 155 & 156 of 2021 (SZ) &
I.A. Nos. 174 & 175 of 2021 (SZ)
(Through Video Conference)

IN THE MATTER OF:

Isanaka Vedavathi,
H.No. 16-4-966, Pinakini Avenue,
Near Apollo Hospital,
Nellore – 524 003.



Versus

सत्यमेव जयते

... Applicant(s)

Union of India
Rep. by its Secretary,
Ministry of Environment, Forest & Climate Change,
New Delhi and Ors.

... Respondent(s)

Date of hearing: 24.11.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Smt. Me. Saraswathy for R1.
Smt. Madhuri Donti Reddy for R2 to R4.
Mr. C. Seethapathy along with
Mr. P.R. Raman for R5.
Mr. D. Sreenivasan for R6 & R7
Ms. Sneha Parthasarathy represented
Mrs. Aparajitha Vishwanath for R8/I.A. No.
156/2021
Mr. M. Ravindran Sr. Advocate along with
Mr. D. Srinivasan for R9/I.A. No. 175/2021
Mr. M. Ravindran Sr. Advocate along with
Mr. D. Srinivasan for R10/I.A. No. 174/2021
Mr. Radhakrishnan Sr. Advocate along with

Mr. D. Sreenivasan for R10
Mr. Raghavan Ramabadran represented
M/s. Lakshmi Kumaran & Sridharan Attorney, R.
Raghavan for R11/ I.A. No.155/2021

ORDER

1. As per order dated 11.08.2021, this Tribunal had considered the conclusion portion of the Joint Committee report dated 10.08.2021 which was extracted in Para (3) of the order and posted the case to 16.09.2021 for filing their objection to the same. On 16.09.2021, this Tribunal had directed the committee to go into the objections filed by the respondents 9 and 10 to the earlier report and also directed the 11th respondent to file their objections before this Tribunal within a week and to serve a copy of the same to the Joint Committee and directed the Joint Committee to consider that objection also and then posted the case to 18.10.2021 for consideration of further action taken report. On 18.10.2021, the matter has been adjourned to today by notification.
2. There was no representation for the applicant.
3. The Joint Committee has filed a further report in compliance with the order dated 16.09.2021 dated Nil. e-filed on 23.11.2021 and received today (24.11.2021) which reads as follows:-

1. Preamble

Seven Edible Oil Industries are operating in Krishnapatnam Port region in SPSR Nellore district. The applicant Smt. Isanaka Vedavathi submitted a representation stating that pollution has been caused by edible oil units. Hon'ble National Green Tribunal Southern Bench vide order dated 16.03.2020 appointed a joint committee comprising of (1) a Senior Officer from the Central Pollution Control Board, Regional Office, Chennai (2) Senior Officer from the Regional Office of MoEF&CC, Chennai and (3) Senior Scientist from Andhra Pradesh Pollution Control Board to ascertain the status of functioning of edible oil refinery units at Krishnapatnam. In compliance to Hon'ble NGT order dated 16.03.2020, the committee inspected the edible oil units in October, 2020 and submitted the report during December, 2020. Out of seven units operating in the region, five edible oil units raised objections to the committee report. Hon'ble NGT vide order dated 03.02.2021 directed the committee to go into the objections and come with their findings on that aspect. Copy of Hon'ble NGT order dated 03.02.2021 is placed as Annexure-I.

In compliance to Hon'ble NGT order 16.03.2020 and 03.02.2021 the following committee was composed:

1. Dr. Suresh Babu Pasupuleti, Scientist-C, Integrated Regional Office (IRO), Ministry of Environment, Forest and Climate Change, Vijayawada.
2. Smt. Mahima T, Scientist-D, Central Pollution Control Board, Regional Directorate, Chennai.
3. Sri. Rajasekhar, Environmental Engineer, Andhra Pradesh Pollution Control Board, Regional Office, Nellore (Nodal agency).

The Committee has been vested with the mandate to review the objections raised by the edible oil units on committee report, verify the compliance status. The committee convened a meeting with the edible oil units on 25.03.2021 to understand the issues raised by them. During the meeting the five edible oil units informed the committee members that they have upgraded the treatment units, laid effluent conveyance system and presently are fully complying with all the CFO conditions stipulated by APPCB. In order to verify the ground level implementation of the corrective measures the committee inspected five edible oil units which have filed objections to committee report during 29th to 30th July, 2021.

The committee after ascertaining the ground level implementation of the action plan, the committee submitted second report during August, 2021.

Committee Report in the matter of OA 221/2015 (SZ)

The Hon'ble NGT vide order dt: 11.08.2021 issued order that "Parties are at liberty to file objection, if any, to the Committee report apart from filing their independent reply to the allegations made in the application. In the meantime, the Pollution Control Board is also directed to file the further action taken report on the basis of the observations made by them along with the Committee at the time of the inspection. Parties are directed to file the same on or before 11.08.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules." Copy of Hon'ble NGT order dated 11.08.2021 is placed as Annexure-II.

Accordingly, the APPCB vide order dt: 23.09.2021 issued directions to the edible oil units based on the observations and recommendations of the Committee and directed 5nos. of edible oil units to pay the environmental compensation to the APPCB within a week. Copies of the directions issued to the edible oil industries are herewith enclosed as Annexure - III.

In the meanwhile, four industries again submitted objections to Hon'ble NGT against the second report of the committee, which was submitted during August,2021. Hon'ble NGT vide order dated 16.09.2021 directed the committee to consider the objections and to give the opinion on the same and to file further report as well as action taken report by 18.10.2021. Copy of Hon'ble NGT order dated 16.09.2021 is placed as Annexure-IV.

2. Action taken by the Committee:

The Joint committee conducted a virtual meeting with the Edible oil industries, Krishnapatnam Port area, SPSR Nellore District on 04.10.2021. During the meeting, the committee interacted with all four industries that have raised objections to the committee report. The committee reviewed the objections filed by the edible oil industries by the individual industries on the joint committee report dated 10.08.2021. In compliance to Hon'ble NGT directions, the committee has considered the objections raised by the industries and same is summarized in table 1. During committee inspection the industry representatives were also present. The committee has explained the about non-compliances observed during inspection to the industry representatives for which the industry representatives assured to the committee members that they shall take corrective actions.

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
<u>I. M/s. 3F Industries Limited</u>			
1	Objected regarding constitution of the committee and mentioned that all 7 units were inspected in a single day.	The committee was constituted by Hon'ble NGT and committee was composed based on the nominations received by respective departments of APPCB, CPCB & MoEF&CC. The committee convened online meetings and inspected the units in detail in two days. In addition APPCB has carried out ambient air quality and source emission monitoring	Objection need not be considered.
2	Claimed that all units of the ETP are in operation, 7 fat traps provided, storm water drains are in dry condition, spillage of oil observed mainly at tank form area due to pump seal leaks and tank form is built on concrete floor.	On the day of committee inspection, the ETP was not in operation; oil was spilled all over the plant and in tank form area and ETP areas; There was no proper effluent transfer system from production block to ETP and storm water drains were used for transfer of effluent instead of closed conduits. Storm water drains were clogged and filled with oil waste. Though the unit had installed seven traps but they were not adequate and were not effectively functioning due to which thick oil deposition was observed in ETP components and ETP was not in operation. Photos taken during inspection were submitted along with earlier committee reports	Non-complying during committee inspection. Objection need not be considered
3	Reported that they are installing an advance version of skimmer for removal of oil or solids through DAF system.	The committee first inspected the units during October, 2020 and second inspection was carried out during July, 2021. Even after a lapse of nine months, unit had not	DAF system for oil skimming not installed at the time of committee inspection.

Committee Report in the matter of OA 221/2015 (SZ)

		installed DAF system by the time of inspection. The unit reported that they have placed the order for procurement of DAF.	Found Non-complying during inspection. Objection need not be considered
4	Claimed that they are spent nickel catalyst to the authorized reprocessors who are selling to their unit.	During inspection, the unit is not able to produce the records i.e. Manifest pertaining to disposal of spent nickel catalyst to authorized re-processors. As per the HWM Rules, 2016, the unit shall dispose the hazardous wastes within 90 days.	Non-complying during inspection. Objection need not be considered
5	Disposing fullers earth to authorized incense manufacturers.	Fullers earth and oil recovered from ETP are bye products of the unit. The bye-products shall be either utilized for further beneficial purposes or disposed safely. The unit is supposed to maintain records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of its disposal. The unit informed that they are disposing fullers earth to incense sticks manufacturers and soap industries, however no records were made available to committee on its utilization or disposal.	Objection need not be considered
6	The unit informed that they installing new equipment in the ETP which will be commissioned by end of September, 2021.	The committee reported the status of the unit as on date of inspection i.e. 30.07.2021, during which ETP was not in operation.	Objection need not be considered
7	Requested to reject the joint committee report and set aside the fine of Rs.1,10,06,000/- levied without basis.	The committee inspected the industry in detail and calculated the Environmental Compensation as per the formula given by the CPCB. The unit is filing their objections to delay the payment of the Environmental Compensation.	Objection need not be considered. Committee submits to Hon'ble NGT to direct the unit to pay EC of Rs. 1,10,06,000/- to APPCB.

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
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
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.

Committee Report in the matter of OA 221/2015 (SZ)

M/s. Emami Agrotech Limited			
11	Objected regarding constitution of the committee and mentioned that all 7 units were inspected in a single day.	The representatives of the APPCB, CPCB & MoEF&CC inspected the units as nominated by the respective organizations. The committee inspected the units in detail in two days.	Objection need not be considered.
11	The industry claimed that they complied in all aspects as per the report dt: 10.08.2021 and the EC was levied.	It is clarified that no fresh EC was levied as the industry complied with the conditions. As there are certain non-compliances during previous inspection of the committee, the industry is liable to pay Environmental Compensation of Rs. 1,32,50,000/- to APPCB.	Unit is one of the reputed & largest industry in the region. In spite of directions & notices issued by APPCB, unit was found non-complying during first inspection of the committee. EC was assessed as per CPCB formula. Objection need not be considered.
M/s. Adani Wilmar Ltd (Unit-II) (Formerly M/s. Louis Dreyfus India Pvt. Ltd.,)			
12	The industry claimed that they complied in all aspects as per the report dt: 10.08.2021 and the EC was levied.	It is clarified that no fresh EC was levied as the industry complied with the conditions. As there are certain non-compliances during previous inspection of the committee, the industry is liable to pay Environmental Compensation.	Objection need not be considered.

During meeting, the joint committee members has reviewed individual unit and explained about their violations observed in detailed manner and directed to pay the environmental compensation as per the directions of the Hon'ble NGT.

The representatives of the edible oil industries informed that they have complied with violations observed by the Joint committee during their inspections held during 29th to 30th October, 2020 and 29th to 30th July, 2021. Since the industries have taken corrective measures and are currently complying with the stipulated standards and with the directions issued by APPCB, on these grounds the industries requested the Joint committee to waive-off the Environmental Compensation.

The committee reviewed the objections filed by the edible oil industries by the individual industries on the joint committee report dated 10.08.2021. The representatives of M/s. Gemini, M/s. Emami and M/s. Adani (Unit-1) informed that they have complied with the directions and conditions insisted by the APPCB. The Committee clarified that the Environmental Compensation is for the earlier period but not for the recent period. APPCB are regularly monitoring the industries and have issued directions vide order dated 15.02.2018 and 16.02.2018.

Further APPCB has inspected the industries and issued modified directions on 17.01.2020. The committee inspected the units during October, 2020 and found that the units are yet to comply with Directions issued by APPCB. The committee has assessed Environmental Compensation for the non-compliance during January, 2020 to October, 2020. In compliance to Hon'ble NGT directions dated 03.02.2021 and 16.09.2021, the industries have presently cleaned the drains, separated storm water drains and effluent drains, not discharging effluent into storm water drains, oily sludge removed from drains. The committee submits that present compliance of the industries can't be considered or represented as the units were complying with APPCB directions during January to October, 2020. Hence the committee humbly submits to Hon'ble NGT to direct the industries to pay Environmental Compensation to APPCB as briefed in table 2.

Table 2 :

Sl. No	Name of the Unit	EC to be paid in INR
1	M/s Gemini Edibles & Fats India Pvt. Ltd	66,00,000/-
2	M/s Emami Agrotech Limited	1,32,50,000/-
3	M/s. Adani Wilmar -(Unit-II)	73,80,000/-
4	M/s South India Krishna Oil & Fats Pvt. Ltd	1,05,86,000/-
5	M/s. 3F Industries Limited (Formerly Foods fats & Fertilizers Ltd.,)	1,10,06,000/-

Sri G. Prathap, Director of M/s. Gemini Edible oil industries Pvt. Ltd., representing the Edible oil association has submitted that they are consistently improving the industries and also solving the common issues. He informed that they had a meeting with the District Administration & Municipal Corporation authorities for procurement of raw water. The association is in positive to work together with authorities for procurement of water to overcome this problem. The work is under progress.

The committee observed that the industries have taken lot of corrective measures within a short time. Significant positive changes such as rain water harvesting pits and complete recharge of ground water, installation of additional fat traps for efficient oil recovery etc., are implemented by the industries for Environmental Protection.

The industries collectively agreed to take up additional tree plantation. The committee has identified the efforts made by the industry which will benefit both industries as well as surrounding during the committee visit, the industries are liable to pay Environmental Compensation as recommended in the Joint Committee report dated. 10.08.2021.

Finally, the joint committee has opined that the Environmental Compensation as recommended by the Joint Committee in its report dt: 10.08.2021 and directions issued by the APPCB dt. 23.09.2021.

Prayer: The Committee humbly submits the Hon'ble national Green Tribunal to direct the edible oil industries to Joint Committee in its report dt: 10.08.2021 and implement the directions issued by the APPCB vide order dt. 23.09.2021."

4. The Andhra Pradesh Pollution Control Board (APPCB) also filed an action taken report dated 17.11.2021, e-filed on 23.11.2021 and received today (24.11.2021) which reads as follows:

Action taken report:

In the matter of OA 221/2015 filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District, in compliance to Hon'ble NGT directions dated 16.03.2020 & 29.09.2020, the Joint Committee inspected seven edible oil units during 13.10.2020 to 14.10.2020 and submitted the report to the Hon'ble National Green Tribunal during December, 2020. Five edible oil units raised objections to the committee report. Hon'ble NGT vide order dated 03.02.2021 directed the committee to go into the objections and come with their findings on that aspect. In order to verify the ground level implementation of the corrective measures, the committee reinspected five edible oil units during 29th to 30th July, 2021 which have filed objections to committee report and submitted report to the Hon'ble NGT on 10.08.2021 through e-filing.

The Hon'ble National Green Tribunal, Southern Bench vide its order dated 11.08.2021 has directed the following:

"Parties are at liberty to file objection, if any, to the Committee report apart from filing their independent reply to the allegations made in the application. In the meantime, the Pollution Control Board is also directed to file the further action taken report on the basis of the observations made by them along with the Committee at the time of the inspection. Parties are directed to file the same on or before 11.08.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules."

A copy of the Hon'ble NGT order is herewith enclosed as Annexure-I for kind perusal.

In order to take action on the industries based on the observations of the Committee and other observations, the APPCB placed the issue before the External Advisory Committee (Task Force) meeting held on 07.09.2021.

After detailed discussions, the External Advisory Committee recommended that the edible oil units shall pay the Environmental Compensation as recommended by the NGT Committee, shall comply with all recommendations of the Committee and also to come up with detailed time bound action plan on utilization of surface water. The committee observed that the industries were given several opportunities for compliance and the committee by the NGT after considering the objections have inspected the industries again and finally recommended levying EC and to issue directions. Thus, having already given ample opportunity, the EAC committee recommended to issue following directions and to levy Environmental Compensation as recommended by the NGT Committee.

Accordingly, the A.P. Pollution Control Board has issued directions to the edible oil industries on 23.09.2021 in which the unit shall pay the Environmental Compensation as recommended by the Joint Committee constituted by the Hon'ble NGT. Copies of the directions issued to the edible oil industries are herewith enclosed as annexure-III for kind perusal.

Based on the directions issued by the APPCB, the following edible oil units has to pay environmental compensation to APPCB as below:

Sl. No

Name of the Edible oil industry

Environmental Compensation to be paid

M/s. Gemini Edibles & Fats India Pvt. Ltd Rs. 66,00,000/-

M/s. Emami Agrotech Limited Rs.1,32,50,000/-
 M/s. Adani Wilmar -(Unit-II) Rs. 73,80,000/-
 M/s. South India Krishna Oil & Fats Pvt. Ltd Rs.1,05,86,000/-
 M/s. 3F Industries Limited
 (Formerly Foods fats & Fertilizers Ltd.,) Rs.1,10,06,000/-

The Hon'ble National Green Tribunal, Southern Bench vide its order dated 16.09.2021 in the matter of O.A. No. 221/2015 has directed the following:

The Committee is directed to consider these objections and give their opinion regarding the same, so that can also be considered by this tribunal at

the time of considering the matter during final hearing. . The learned counsel appeal regarding for the Andhra Pradesh Pollution Control Board,(APPCB) submitted certain discussions were made with the units and recommendations have been made to the Board and it is for the Board to take some decision, and if some time is granted, they may be able to file the further action taken report in this regard.

. The committee as well as the Andhra Pradesh Pollution Control Board must understand the fact that the matter is of the year 2015, and it is pending for last six years now and it will have to be completed at the earliest possible time, as the entire proceedings will have to be completed within six months from the date of application and as per the provisions of the National Green Tribunal Act. The committee as well as the Andhra Pradesh Pollution Control Board (APPCB) are also directed to file their further report as well as further action taken report respectively, to this Tribunal on or before 18.10.2021 by e-filing in the form of searchable PDF/OCR Support PDE and not in the form of Image PDF along with necessary hard copies to be produced as per rules?

Copy of the Hon'ble NGT order is enclosed as Annexure-II.

The following industries submitted their replies to the directions dated 23.09.2021 issued by the APPCB stating that the matter of Environmental Compensation is pending with the Hon'ble National Green Tribunal, South Zone, Chennai and their submissions are under consideration.

It is pertaining to mention that the following industries have made objections on the Joint Committee report dated. 10.08.2021.

. M/s. 3F Industries Limited (formerly M/s.Foods Fats & Fertilizers Ltd.)
 Sy. No. 1604, Epuru 1-B, Pantapalem (V), Muthukuru (M), SPS Nellore District

. M/s. South India Krishna Oil & Fats Pvt. Ltd., Sy. No.275, 279, 280 & 281, Epuru Bit – 1B, Pantapalem Village, Muthukur Mandal, SPSR Nellore District.

M/s. Adani Wilmar Ltd (Unit-II) (M/s. Louis Dreyfus India Pvt. Ltd., (formerly M/s. Louis Dreyfus Commodities India Pvt. Ltd.,) Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District.

. M/s. Emami Agrotech Limited (formerly M/s. Emami Biotech Limited), Sy. Nos.501, 502/1, 502/2, 503/1, 503/2, 504, 505/2, 507/2, 509/1, 509/2, 510/1 & 510/2, Pantapalem (V), Muthukur (M), SPSR Nellore District.

A virtual meeting was conducted on 04.10.2021 with the representatives of Edible oil industries who have filed objections on the Joint committee report dated. 10.08.2021 submitted to the Hon'ble NGT (SZ). The official's of the Joint committee comprising from MoEF&CC, CPCB and APPCB has attended the virtual meeting. After discussions, the Committee opined that industries has to pay Environmental Compensation as recommended by the Joint Committee in its report dt: 10.08.2021.

It is to submit that the Joint committee has recommended the Environmental Compensation after conducting inspection of the industry; the joint committee reinspected the industries based on the objections raised on the committee report; and the external advisory committee (Task force) of APPCB reviewed the report of the joint committee and recommended to impose Environmental Compensation to the industries. Accordingly, the APPCB vide order dt: 23.09.2021 issued directions to the industries to pay environmental compensation. But the industries are filing their objections without paying the environmental compensation to delay the process. Hence, it is humbly submitted that the Hon'ble National Green Tribunal to issue directions to the edible oil industries to pay the Environmental Compensation and implement the directions dt: 23.09.2021 without any delay.

5. The respondents 8 to 11 have filed I.A. No. 155 of 2021 (SZ), I.A. No. 156 of 2021 (SZ), I.A. No. 174 of 2021 (SZ) and I.A. No. 175 of 2021 (SZ) respectively for staying the direction to pay compensation received

from the Andhra Pradesh Pollution Control Board (APPCB) during the pendency of the ongoing application.

6. The matters are pending from 2015 onwards we feel that the question of compensation also can be considered by the Tribunal itself, after giving an opportunity to the parties to file their objections to the Joint Committee report.
7. The respondents against whom compensation has been imposed by the subsequent Joint Committee report after considering the objections filed by them, they are directed to file their objections to the further Joint Committee report as well as action taken report filed by Tamil Nadu Pollution Control Board (TNPCB) before this Tribunal within a week.
8. In the mean time, we direct the Andhra Pradesh Pollution Control Board (APPCB) to keep the direction to pay the compensation issued against the respondents in abeyance till the next hearing date. The interim order if any, passed by this Tribunal, if necessary can be extended on the next hearing date. With the above observations I.A. No. 155 of 2021 (SZ), I.A. No. 156 of 2021 (SZ), I.A. No. 174 of 2021 (SZ) and I.A. No. 175 of 2021 (SZ) are disposed of.
9. The parties are directed to file their objection to the present report submitted by the Joint Committee as well as the Andhra Pradesh Pollution Control Board (APPCB) regarding the quantum of compensation and also the reasons given by them for reiterating their

findings regarding the assessment of compensation on or before 08.12.2021 and get ready with the Original Application on 16.12.2021.

10. The committee as well as the Andhra Pradesh Pollution Control Board (APPCB) are also directed to file their further report to this Tribunal on or before 01.12.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules and get ready with the matter on 16.12.2021.

11. The Registry is directed to communicate this order to the official respondents immediately through e-mail, so as to enable them to comply with the direction.

12. For objections (if any) to the report, consideration of further report and also for hearing, post on 16.12.2021

Sd/

.....M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Dr. K. Satyagopal)

O.A. No.221/2015 &
I.A. Nos.155 & 156/2021 &
174& 175/2021(SZ)24.11.2021. Sr.

Item No.11 to 13:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 221 of 2015 (SZ)

With

Appeal No. 77 of 2021(SZ)

with

Appeal No. 78 of 2021(SZ)

(with Hybrid Option)

IN THE MATTER OF:

Isanaka Vedavathi,

... Applicant(s)

Union of India and Ors.

Versus

... Respondent(s)

M/s. Adani Wilmar Limited, Andhra Pradesh

... Appellant(s)

Vs

Andhra Pradesh Pollution Control Board and others.

...Respondent(s)

With

M/s. Adani Wilmar Limited, Andhra Pradesh

... Appellant(s)

Vs

Andhra Pradesh Pollution Control Board and others.

...Respondent(s)

Date of hearing: 22.12.2021.

CORAM:**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER****HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**O.A. No. 221 of 2015

For Applicant(s): None Appeared.

For Respondent(s): Smt. Me. Saraswathy for R1.
 Smt. Madhuri Donti Reddy for R2 to R4.
 Sri. C. Seethapathy for Mr. P.R. Raman for R5.
 Sri. D. Srinivasan for R6, R7, R9.
 Mr. Radha Krishnan Sr. Adv for R10
 Ms. Sneha for Ms. Apparajitha Vishwanath for R8.
 Ms. Krithika for Sri. Lakshmi Kumaran and Mr. Rahavan for R11.

Appeal Nos. 77 and 78 of 2021For Appellant (s): Ms. Krithika for Ms. Lakshmi Kumaran
(in both Appeals)

For Respondent(s): Ms. Madhuri Donti Reddy (in Both Appeals)

ORDER

1. The above cases have been posted to today for consideration of further reports and also objection filed by the project proponent and for hearing.
2. As per order dated 11.08.2021 in O.A. No. 221 of 2015, this Tribunal had considered the report submitted by the Joint Committee dated 10.08.2021, e-filed on the same date and conclusion portion was extracted in Para 3 of the order and then posted the case to 16.09.2021 for filing objections, if any, to the Committee report and filing their independent reply to the allegations made in the application. Further, Pollution Control Board was

also directed to file the further action taken report on the basis of the observations made by the Committee at the time of inspection.

3. Earlier as per order dated 03.02.2021, this Tribunal had considered the Joint Committee report dated 01.02.2020 extracted in Para 4 of the order and then passed the following order:

5. The 5th respondent has filed their objection to the report of the Joint Committee along with certain documents to show that the observation made by the committee regarding the alleged insufficiency of the system that is being operated in their unit is not correct.

6. Though the applicant is absent, we feel that on the basis of the objections raised by the 5th respondent regarding the change in ownership of the 5th respondent unit, we direct the office to substitute the name of the 5th respondent as M/s. Adani Wilmar Limited represented by its Managing Director having its registered office at Fortune House, Near Navrangpura Railway Crossing, Ahmedabad – 380009, Gujarat, India.

7. The Office is directed to carry out the amendment in the cause title.

8. Other respondent units who have not filed their objections to the committee report are directed to file their objections within a period of 15 (Fifteen) days to this Tribunal by e-filing with a copy to the committee so that the committee can go into the objections and come with their findings on that aspect, apart from filing their further action taken report, after considering the objections to the findings arrived at by them to this Tribunal on or before 26.03.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

9. The Registry is directed to communicate this order to the members of the committee by e-mail immediately so as to enable them to comply with the direction.

4. This Tribunal by above said order directed the Committee to consider the objections filed by the industries and give their findings on those aspects, apart from filing their further action taken report after considering the objections to the findings arrived at by them. It is thereafter, that subsequent report dated 10.08.2021 was filed which was referred to above. The case was posted to 16.09.2021 for completion of pleadings

and consideration of further reports. On 16.09.2021, the matter was adjourned to 18.10.2021 for consideration of further reports.

5. The matter was taken up on 24.11.2021 and considered the further report filed by the Joint Committee pursuant to order dated 16.09.2021 dated nil, e-filed on 23.11.2021 which was extracted in Para 3 of the order and also considered the action taken report submitted by Andhra Pradesh Pollution Control Board dated 17.11.2021, e-filed on 23.11.2021 which was extracted in Para 4 of the order.
6. This Tribunal also considered the Interlocutory Applications filed by respondents 8 to 11 seeking to stay the direction to pay compensation and directed the project proponent to file their objections to the Joint Committee report and in the meantime directed the Pollution Control Board not to proceed with coercive action and the interlocutory application was disposed of.
7. In the meantime, 11th respondent has filed Appeal No. 77 of 2021 against the order passed by Pollution Control Board by their proceedings no. 149/APPCB/UH-II/TF/NLR/2018 dated 23.09.2021 on the question of imposing certain directions to be complied with and also filed another Appeal No. 78 of 2021 by the same respondent against the order of the Andhra Pradesh Pollution Control Board by their proceedings no. 149/APPCB/UH-II/TF/NLR/2018 dated 23.09.2021 including the compensation imposed both under the Air (Prevention and Control of

Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 respectively.

8. The Andhra Pradesh Pollution Control Board has filed their objection in the form of a report in the appeals, which can also be considered by the Tribunal in Original Application.
9. We are not going into the question as to whether the appeals are maintainable or not. Though two different orders have been passed and two forums are provided for filing the appeals since, the issue regarding the violation and also further action taken to be against them are also matters to be considered in the original application pending before this Tribunal under such circumstances, we feel that these appeals can be disposed of with a liberty to the appellants to raise all those contentions raised by them, in original application pending before this Tribunal as O.A. No. 221 of 2015 and those contentions can be considered by the Tribunal and appropriate orders can be passed while disposing the original application itself, so as to avoid further statutory appeals being filed by the affected parties before different forums which ultimately comes before this Tribunal again for consideration. Under the National Green Tribunal Act, 2010, Tribunal itself can consider those aspects and pass final orders including the further directions to be issued either for closure or even imposing compensation so that the entire things can be agitated by the parties by way of single appeal to the Hon'ble Supreme

Court under Section 22 of the National Green Tribunal Act, 2010. So with the above observations and directions, Appeal No. 77 of 2021 and Appeal No. 78 of 2021 are disposed of .

O.A. No. 221 of 2015

10. In the meantime, Joint Committee shall consider all the objections filed by respondents, namely, 9, 10 and 11 and objection of any other industries and also compliance of the directions, if any, issued by the Pollution Control Board on the basis of the subsequent inspections made and if there is any further violations, then consider those aspects as well and come with a comprehensive report to the Tribunal, so that this Tribunal can finally consider all those aspects and pass appropriate orders and dispose of the matter itself as the matter is pending since 2015.

11. Joint Committee as well as Pollution Control Board are directed to meet the objections and give their specific findings on those aspects so that the industries as well as this Tribunal can consider those aspects while disposing the matter at the final stage.

12. 9th respondent also filed their objections that also can be considered by the Joint Committee as well as Pollution Control Board while submitting the report.

13. Report must contain the nature of objections raised by the respective industries to the earlier report as well as subsequent action taken reports

filed and then meet those objections by giving reasons why they are accepting or not accepting the same and if they feel that further direction given by them were also not complied with by them, that aspect can also be considered and come with a further detailed report regarding revisiting of compensation payable for the part violation as well as the subsequent violation.

14. They are directed to submit the respective reports to this Tribunal on or before 27.01.2022 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules. If possible the Committee as well as Pollution Control Board are directed to give a personal hearing to the industries to substantiate their objections so that the Committee as well as the Pollution Control Board can meet those objections in detail when their respective reports are filed as directed by this Tribunal.
15. Even for the present action taken report filed, the industries are at liberty to file their objections to the same to the Pollution Control Board as well as to the Joint Committee within 10 days and they are also directed to submit the objections to this Tribunal before handing over copies to the members of the Committee as well as to the Pollution Control Board so that the same also can be considered by the Committee while submitting the further report.

16. Registry is directed to communicate this order to the members of the Committee and also to official respondents for their information and compliance of the directions.

17. Since, this Tribunal had expanded the scope of consideration of the entire reports and objections after getting the further reports, the Pollution Control Board is directed not to proceed with the directions already issued which also will be considered by this Tribunal while disposing the matter.

18. For consideration of further reports, post on 27.01.2022.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.221/2015(SZ),
Appeal Nos. 77 and 78 of 2021
22nd December, 2021. AM.

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
(SOUTHERN ZONE)
SOUTHERN BENCH, CHENNAI**

O.A. No. 221 of 2015

Insanka Vedavathi

..Applicant

..vs..

Union of India & others

..Respondents

**ADDITIONAL TYPED SET OF
DOCUMENTS FILED ON
BEHALF OF THE 11TH
RESPONDENT**

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