

CHENNAI.

APPLICATION NO: 221 OF 2015  
(Public Interest Litigation)

**Between:**

IsanakaVedavathi

H.No.16-4-966, Pinakini Avenue,

Near Appolo Hospital,

Nellore-524 003.

.....Petitioner

Vs-

1. Union of India,

Rep by its Secretary,

Ministry of Environment, Forest and Climate Change,

III Floor, Prithivi Wing, Indira ParyavaranBhavan,

JorBagh, New Delhi-110003

& 10 others

.....Respondents

**OBJECTIONS TO THE COMMITTEE REPORT DATED 10.08.2021, FILED  
BY THE 9<sup>TH</sup> RESPONDENT**

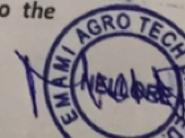
I, M.V. Narayana Murthy, S/o. Mr.M.Gopala Krishniah Hindu, aged 47 years, having office at M/s. EmamiAgrotech Limited, Sy. Nos. 501, 502/1, Pantapalem(V), Muthukur(M), SPSR Nellore District, have temporarily come down to Chennai and do hereby solemnly affirm and sincerely state as follows:

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1. I am the Unit Head of the 9<sup>th</sup> Respondent herein and as such I am well acquainted with the facts deposed hereunder. I am competent to file this Affidavit and authorised to do so.
2. It is submitted that one Isanaka Vedavathi had filed this OA.No.221/2015 with the following prayer:

*" it is respectfully prayed that this Hon'ble tribunal may be pleased to ;*

- (i) *Issue an order of injunction restraining the Respondents 5 to 11 discharge the Edible Oil industrial effluents with contaminated water into the*

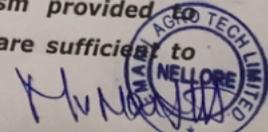


Irrigation Channels and drain channels in pantapalem Village, Muthukur Mandal, SPS Nellore District, Andhra Pradesh – 524323;

- (ii) Issue an order of direction directing the Respondents 1 to 4 to remove Industrial contaminated wastes and effluent water on the water channels which were discharged by the Respondents 5 to 11;
- (iii) Issue a direction to remediate and restore the water channels, Agricultural fields and the water tanks to the original position due to water pollution and other environmental damages arising out of effluents released from the Edible Oil Refineries by the Respondents 5 to 11.
- (iv) Pass such further or other orders as this Hon'ble Tribunal may deem fit and necessary in the interest of justice."

3. I submit that this all the Respondents had filed their counter statements and this Hon'ble Tribunal vide order dt 16/3/2020 appointed a Joint Committee and directed as follows: -

**"16. So in order to ascertain the present status of the functioning of the edible oil refinery units and also to find out as to whether they are complying with the conditions of "consent" issued and whether the pollution control mechanism provided by them are proper and sufficient and whether they are complying with the norms and whether the "Zero Liquid Discharge" system said to have been established by them are properly functioning and whether there is any violation by any of the edible oil refinery units and if so, what is the action taken by Pollution Control Board in this regard, we appoint a joint committee, comprising of (1) a Senior Officer from the Central Pollution Control Board, Regional Office, Bangalore (2) Senior Officer from the Regional Office of MoEF & CC, Chennai and (3) Senior Scientist from Andhra Pradesh Pollution Control Board to inspect the units in question and submit a factual as well as action taken, if there is any violation found. The committee shall also go into the question as to whether the 10 units are strictly complying with the conditions imposed either in the "consent to operate" or any other permission granted, whether there is any violation in the use of surface water and whether necessary permission has been obtained by the units for drawal of surface water for their purpose, whether pollution control mechanism provided to suppress the air pollution or water pollution are sufficient**



*meet the requirements as has been provided under the Environment (Protection) Act, 1984, whether these units are properly disposing the fly ash generated during their manufacturing process and if there is any violation found, what is the action taken, including the imposition of environment compensation against the erring units on the basis of the guidelines given by Central Pollution Control Board in this regard and also what is the status of the implementation of the action plan if any, evolved during the review meeting conducted by Pollution Control Board and whether those actions have been brought into action by the units, as undertaken by them and if not, what is the action taken by Pollution Control Board against those erring units and submit a comprehensive report to this Tribunal within a period of two months through e-mail at [ngtszfilling@gmail.com](mailto:ngtszfilling@gmail.com)."*

4. I state that, according to the above order it is clear that the committee must have a senior scientist from APPCB. But, instead of a Senior Scientist, the Environmental Engineer from the Regional office of APPCB of Nellore was the third member of the Committee and he has signed the Report of the Joint Committee as the third member. The same was objected vide our objections dated 16.02.2021 and this time also there was no Senior Scientist from APPCB in the Joint Committee.
5. I further submit that this Hon'ble Tribunal has mentioned the scope for the joint committee during their inspection, but it must be noted that this Committee had inspected all the 7 industries in just one day. The committee's report only expressed the views of the third member i.e the Environmental Engineer from Nellore.
6. Further, in it's earlier report, the Joint Committee without properly noting down the compliances had imposed a penalty amount of Rs. 133.50 lakhs to this respondent. This Respondent had filed a detailed objections on 16/2/2021 to the Joint Report dated 1/12/2020.
7. This Hon'ble Tribunal vide order dt 3/2/2021 had directed as follows:

***"8. Other respondent units 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 finding***



**arrived at by them to this Tribunal on or before 26.3.2021 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."**

8. It is submitted that the committee has not gone into our objections and given finding point to point. It is further submitted that even though it has given 100% compliance in this report dt 10/8/21, has not recommended any waiver/reduction in the fine amount/environmental compensation.
9. It is further submitted that this Hon'ble Tribunal vide order dated 13.07.2021 had directed as follows: -
- "3. The Learned Counsel appearing for the State of Andhra Pradesh submitted that they want some more time for filing the report as directed by this Tribunal on the basis of the objections received from the party respondents.**
- 4. The matter is of the year 2015. However, considering the circumstances, we feel that some more time can be granted to the Committee to file the report as directed. The Committee is directed to submit the report on or before 11.08.2021 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.**
- 5. The Registry is directed to communicate this order to the members of the committee as well as official respondents for their information and compliance of the directions"**
10. I submit that, the Joint Committee had a meeting with us on 26.03.2021 through a Zoom conference to consider our Objections. The Joint committee also visited all the Respondent Industries on 29.07.2021 and 30.07.2021 and had given 100% compliances. I further submit that most of these compliances were already in place when the Joint Committee had first inspected the Industries on 29.09.2020. Therefore, it is clear that the joint committee was not in a position to amend/ modify its earlier report dated 01.12.2020 which was incorrect as all the issues were in compliances.
11. It is further submitted that in the present report, the fine/compensation amount is mentioned as Rs.123.50 lakhs as against Rs.132.50 lakhs in its earlier report despite 100% compliance.



12. This respondent submits a comparison chart in this issue which will demonstrate the compliance to the APPCB norms by this Respondent.

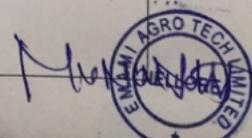
S.no	JC Report dt 1/12/2020	Response/objections of R-9 -Emami	JC Report dt 10/8/21
1	Pg. 10 Para h reg Coal and fly ash storage. Flyash spillage noticed. Stored outside the shed	In Page 3 para 7, 41 TPD fixed at CFE dated 29.12.2017 based on 2500 MT was never Achieved by the respondent.  Flyash has been sold to Brick Manufacturers as per the APPCB CFO order 29.12.2017 at Page 8	In Page 7, Complying
2	Pg. 11 Para i Reg Source of water and quantity of water used per day. Calculation Irregularity, Water drawn is calculated amount of pumping hours	In Page 4 para 8, Because of the GO by AP government dated 30/10/2010 in G.O.Ms. No. 111 in Para 4(b)(7)-The industry is forced to take water from 3 <sup>rd</sup> parties.  Also, the Compliance Status Report was submitted and 19 directions were complied, Status report dated 18.02.2020 direction 10 Complied	Not mentioned in the compliance report
3	Pg. 11 Para j reg Effluent Generation. Effluent spillage and Drains Clogged	In Page 7 para 9, In Annexure 6 the photo attached to the status report dated 14.05.2020  There has been no Spillage and Clogging Both inside and outside the premises	In Page 7, Complying
4	Pg. 11 Para k reg Installation of	In Page 8 para 10, Photo in Annexure 10 to status	In Page 7, Complying



	Magnetic flow meters with totalizers	report dated 18.02.2020 submitted to the chairman of APPCB	
5	Pg. 11 Para l reg quantity of effluent discharged and mode of disposal of ETP	In Page 9 para 11, All Parameters of APPCB are strictly followed regarding ETP Treated water	In Page 7, Complying
6	Pg 11 para l regarding analysis results not in accordance with APPCB norms	All the parameters of APPCB are strictly followed	Not mentioned in the compliance report
7	Pg. 13 Para m reg sources of Air Pollution and types of APCDs Status of stack, pothole, OCEMs Installation, Location	In Page 11 para 12, Stack Monitoring Data has been mentioned in Table VI.b.2. On 18.06.2020 and Ambient Air quality data in Table VI.b.3 on 18.06.2020 No response of APPCB side from 18.06.2020 to 01.12.2020	Not Mentioned in the compliance report
8	In Page 13 Table VI.b.2 Stack monitoring standards and ambient air quality monitoring are not met	All the parameters of APPCB are strictly Followed	Not mentioned in the compliance report
9	Pg. 14 Para n reg status of installation of Online stack monitoring equipment	In Page 12 para 13, Compliance has been recorded by the committee no response in this issue	Not mentioned in the compliance report
10	Pg. 14 Para o reg status of green belt reg not meeting the 33% green belt	In Page 12 para 14, Photographs already enclosed dated 14.05.2020 and the unit has a green belt of nearly 10 acres and	Not mentioned in the compliance report



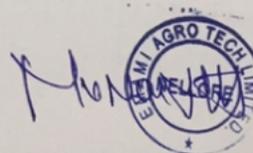
		trees and plants are planted adequately.	
11	Pg. 14 Para p reg Hazardous Waste Generation	We generated Hazardous waste AS per the consent and based on actual productions ONLY. No Violations been done.	In Page 8, Complying
12	Pg. 14 Para q reg Actions taken by APPCB in the last one year	In Page 14 para 16, After Visit by APPCB on 31.01.2020 & 04.02.2020 industry had submitted compliances report on 18.02.2020 complying almost 90% of APPCB Observations. Compliance Report also submitted by the industry against observation dated 28/09/2020	Not mentioned in the Compliance Report
13	Page 14 reg "Overall Compliance Status"	In Page 15 para 17, No Communication has been received on Jan 2020 and Feb 2020 with regard to discharging effluent to the adjoining drain. Monthly Report with Regards to discharging effluents to the adjoining drains	In Page 8, Complying
14	Page 14 reg "List of Major Non-Compliances" 1) Existing MEE System not adequate to convert MEE concentrate to salts	In Page 16 para 18, MEE Centrifugal System is an advanced model supplied by Thermax, which is working well and generates dry salts.	Not Mentioned in the compliance report



	2) The effluent generated and hazardous waste generation is not matching with production details	The industry is running according to CFO/CFE norms and meeting APPCB standards perfectly	Not mentioned in the compliance report
	3) Unit was found discharged in the effluent into storm water drain	The Industry never Discharges any effluents outside the premises. Total Effluent generated is being treated by the ETP System.	Not mentioned in the compliance report

13. For the reasons stated above, it is humbly submitted that this Hon'ble Tribunal may be pleased to reject the Environment compensation amount recommended by The joint committee as 100% compliances have been mentioned in the report dt 10/8/21 and pass such further order or orders that this Hon'ble tribunal deems fit for the facts and circumstances of the case and thus render justice

Dated at Chennai on this the 15<sup>th</sup> day of September, 2021



Respondent No.9

BEFORE THE HON'BLE  
NATIONAL GREEN TRIBUNAL  
CHENNAI.

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.....Petitioner

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Union of India,  
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**OBJECTIONS TO THE**  
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**DATED 10.08.2021,**  
**FILED BY THE 9<sup>TH</sup>**  
**RESPONDENT**

**M/s D.Sreenivasan**  
Counsel for 9<sup>th</sup>Respondent