

**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

REPLY AFFIDAVIT FILED BY THE 11TH RESPONDENT
TO THE ACTION TAKEN REPORT DATED 17.11.2021

M/s. Lakshmi Kumaran & Sridharan Attorneys
Raghavan Ramabadran (E/1573b/2008)
P. Sridharan (E/10/2016)
A.Lawrence (E/1074/2008)
Mobile: 9941454954
court.mds@lakshmisri.com

Counsel for 11th Respondent

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

SOUTHERN BENCH, CHENNAI

ORIGINAL APPLICATION No. 221/2015

Isanaka Vedavathi

...Applicant

Versus

Union of India & Ors.

...Respondents

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Date: 06.12.2021


Counsel for the 11th Respondent

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

SOUTHERN BENCH, CHENNAI

ORIGINAL APPLICATION No. 221/2015

S. No. 91301/2021

VIJAY C. SHAH
NOTARY
GOVT. OF INDIA

- 3 DEC 2021

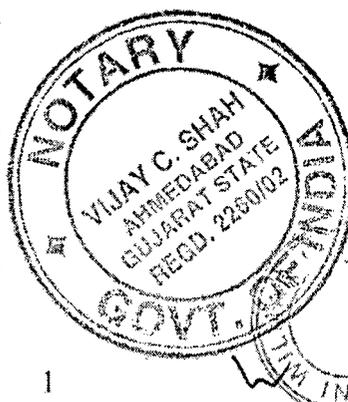
....Applicant

BETWEEN

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

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 & Others ...1st Respondent
2. Andhra Pradesh Pollution Control
Board
(Represented by its Member Secretary)
A-3, Parayavaran Bhavan, Sanath Nagar,
Industrial Estate, Hyderabad, Telangana
State-500 018 ...2nd Respondent
3. The District Collector/ District
Executive Magistrate
Collectorate Buildings.
Nellore Town -524 002 SPS Nellore
District, Andhra Pradesh ...3rd Respondent
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 ...4th Respondent
5. M/s. Adani Wilmar Limited (Unit-I)
(Formerly M/s. Krishnapatnam Oils &
Fats Pvt. Ltd.),
Sv. No.292, 317, Pantapalem (V) (Epur
1B), Muthukur (M), SPSR Nellore Dist.
Andhra Pradesh- 524 323 ...5th Respondent
6. M/s. Saraiwallan AGRI Refineries
Ltd
(Represented by its Managing Director)
Pantapalem Village & Post (Via)
Niduguntapalem, Muthkur Mandal, SPS
Nellore District, Andhra Pradesh- 524
323 ...6th Respondent
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 ...7th Respondent
8. M/s. South India Krishna Oil & Fats
(P) Ltd ...8th Respondent



FOR ADANI WILMAR LIMITED

ADANI WILMAR LIMITED
AUTHORISED SIGNATORY

(Represented by its Managing Director)
Pantapalem Village & Post, (Via)
Niduguntapalem, Muthkur Mandal, SPS
Nellore District, Andhra Pradesh- 524 323

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

...9th Respondent

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

...10th Respondent

11. **M/s. Adani Wilmar Limited -(Unit-II)**

(Previously M/s. Louis Dreyfus
Commodities India Pvt. Ltd.)
Sy. No.1601, Epuru Bit-1B, APIIC,
Pantapalem (V), Muthukur (M), SPSR
Nellore Dist Andhra Pradesh- 524 323

...11th Respondent

REPLY AFFIDAVIT FILED ON BEHALF OF 11th RESPONDENT TO THE ACTION

TAKEN REPORT DATED 17/11/2021

I, Asheesh Gupta, S/o Late Dr. M.L. Gupta, aged about 38 years, having office at Fortune House, Near Navrangpura Railway Crossing, Ahmedabad-380 009 and residing at Flat No. 801, Setu Elegance, Motera, Ahmedabad 380 005, do hereby solemnly affirm and sincerely state as follows:

2. I am the Senior Manager, Legal of M/s. Adani Wilmar (Unit-II), the 11th Respondent herein, and the authorized signatory of the 11th Respondent. As such I am well acquainted with the facts of the case. I am authorized to file this affidavit on behalf of the 11th Respondent herein.

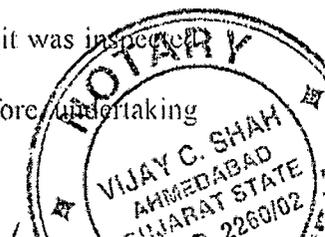
3. In the captioned matter, the 4th Respondent herein has filed an Action Taken Report dated 17/11/2021 (henceforth: 'Action Taken Report') pursuant to the directions of this Hon'ble Tribunal *vide* Daily Orders dated 11/08/2021 and 16/09/2021. The Action Taken Report was uploaded on the website of the Hon'ble NGT on 25/11/2021, after the Original Application No. 221 of 2015 was listed for hearing on 24/11/2021.

Background to the Action Taken Report

4. I submit that this Hon'ble Tribunal had appointed a joint committee *vide* its Order dated 16/03/2020 to ascertain whether the edible oil units (Respondents No. 5 to 11 named above) were complying with applicable laws and regulations. The 11th Respondent's unit was inspected by the Joint Committee on 13/10/2020 and 14/10/2020. However, even before undertaking



FOR, ADANI WILMAR LIMITED



week's time. The 11th Respondent furnished a detailed Reply dated 03/10/2021 to the Order dated 23.09.2021 praying that no coercive steps be taken pending disposal of the OA 221 of 2015.

10. Simultaneously, the 11th Respondent filed Interim Application No. 155 of 2021 praying for stay of the direction to pay EC pending disposal of the OA 221 of 2015. The IA 155 of 2021 was disposed of by this Hon'ble Tribunal *vide* Order dated 24/11/2021 wherein the Respondent was directed to keep the order dated 23/09/2021 in abeyance until the next hearing i.e., 16/12/2021.



11. This Hon'ble Tribunal had, *vide* Order dated 16.09.2021, directed the Joint Committee to file a further report and also directed the 4th Respondent to file their further Action Taken Report. The 4th Respondent filed their Action Taken Report dated 17/11/2021, against which the 11th Respondent is filing this Reply as permitted by this Hon'ble Tribunal during the hearing of the OA 221 of 2015 on 24/11/2021.

12. The Joint Committee Report submitted a further report before this Hon'ble Tribunal on 20.11.2021 (henceforth: 'Joint Committee Report-III'), where the Joint Committee repeated the request for directions to be issued against the 11th Respondent for payment of Environmental Compensation of INR 73,50,000/- (henceforth: 'EC'). The 11th Respondent has preferred detailed Objections to the Joint Committee Report-III *vide* Reply Affidavit dated 01.12.2021 and prays that the submissions pressed in the Reply dated 01/12/2021 be construed as part and parcel of this Affidavit.

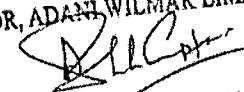
SUBMISSIONS AGAINST ACTION TAKEN REPORT

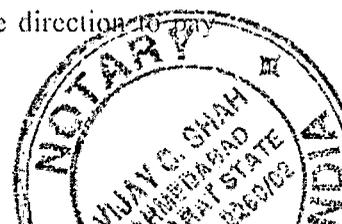
The Action Taken Report is thoroughly non-speaking and unreasoned

13. The 11th Respondent is filing this Reply to place on record its grievance at the perfunctory manner in which the 4th Respondent has dealt with the ongoing issue.

14. At the outset, I submit that the Action Taken Report captures the various events that have transpired in the instant OA 221 of 2015. However, the Action Taken Report does not present a complete and correct picture of the ongoing issue, as it does not refer to any of the objections pressed by the 11th Respondent nor does it pass any findings on the submissions made by the 11th Respondent despite the multiple opportunities afforded by this Hon'ble Tribunal.

15. The Action Taken Report does not offer any reasons for repeating the direction to pay EC, even as it ignores the elaborate submissions made by the 11th Respondent.

FOR, ADANI WILMAR LIMITED




The Action Taken Report is misdirected & misleading

16. I submit that the Action Taken Report has stated that the 11th Respondent is liable to pay the EC without offering any reasons to overrule the objections raised by the 11th Respondent.

Moreover, the Action Taken Report unfairly states that the 11th Respondent is filing objections without paying the EC to delay the process. The Action Taken Report attempts to mislead this Hon'ble Tribunal as if the 11th Respondent is adopting dilatory tactics when in fact, the very basis for levy of EC is being challenged on facts and in law.

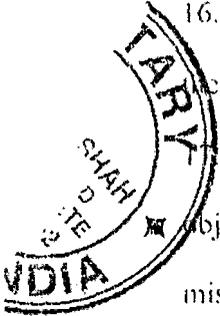
18. I submit that the observation that the 11th Respondent is delaying the proceedings is an unconscionable accusation, when the 11th Respondent has been proactively participating in the ongoing proceedings.

19. I submit that the Action Taken Report 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 disregard for the multifold factual and legal objections on record.

20. I therefore submit that the recommendation of imposition of EC as set out in the Action Taken Report is without any basis whatsoever and must be dismissed at the threshold.

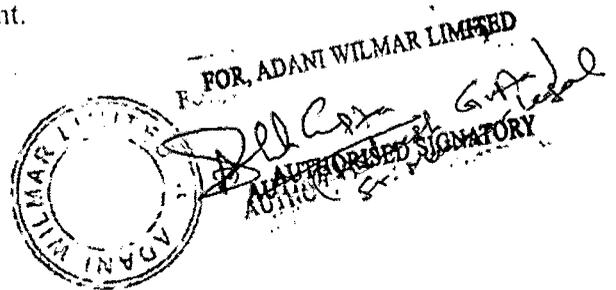
21. I pray that the 11th Respondent may be permitted to file additional submissions over the course of proceedings, as may be required, in the interest of justice.

22. It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the prayer as sought in the Action Taken Report and consequently set aside the recommendation of Environmental Compensation as against the 11th Respondent.



Solemnly affirmed at Ahmedabad on this the 3rd day of December, 2021 and signed his name in my Presence

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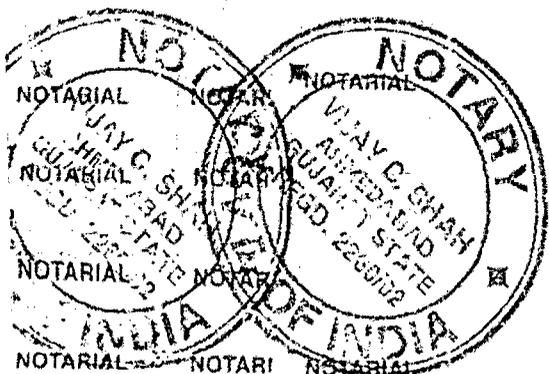
BEFORE ME,

ADVOCATE, AHMEDABAD

SOLEMNLY AFFIRMED BEFORE ME

VIJAY C. SHAH
NOTARY
GOVT. OF INDIA

5 - 3 DEC 2021



**BEFORE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI
ORIGINAL APPLICATION No. 221/2015**

**ACTION TAKEN REPORT IN THE MATTER OF O.A. NO.221/2015 SUBMITTED TO
HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN BENCH, CHENNAI IN COMPLIANCE
TO HON'BLE NGT ORDER DATED 16th SEPTEMBER, 2021.**

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[Signature]
17/11/2021

Andhra Pradesh Pollution Control Board,

Regional Office Nellore

ENVIRONMENTAL ENGINEER
A.P POLLUTION CONTROL BOARD
Regional Office
NELLORE

Date: 17.11.2021

Place: Nellore.

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 re-inspected 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.

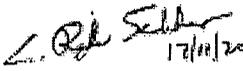
The Hon'ble National Green Tribunal, Southern Bench vide its order dated 11.08.2021 has directed the following:

"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


17/11/2021
ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
Regional Office
NELLORE

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
1	M/s. Gemini Edibles & Fats India Pvt. Ltd	Rs. 66,00,000/-
2	M/s. Emami Agrotech Limited	Rs. 1,32,50,000/-
3	M/s. Adani Wilmar -(Unit-II)	Rs. 73,80,000/-
4	M/s. South India Krishna Oil & Fats Pvt. Ltd	Rs. 1,05,86,000/-
5	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:

"5. 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.

6. 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.

7. 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.

L. Raj Selva
17/11/2021
ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
Regional Office
NELLORE

8. *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 PDF 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.

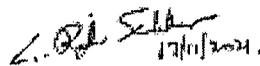
The following industries submitted their replies to the directions dated 23.09.2021 issued by the APPCB stating that the matter of Environmental Compensation is pending with the Hon'ble National Green Tribunal, South Zone, Chennai and their submissions are under consideration.

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

1. 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
2. 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.
3. 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.
4. 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 re-inspected 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.


 ENVIRONMENTAL ENGINEER
 A.P POLLUTION CONTROL BOARD
 Regional Office
 NELLORE

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.

L. Raj Sekhar
17/11/2021.

Andhra Pradesh Pollution Control Board,
Regional Office Nellore

ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
Regional Office
NELLORE

Item No.11:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 221 of 2015 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Isanaka Vedavathi,

... Applicant(s)

Union of India and Ors.

... Respondent(s)

Date of hearing: 11.08.2021.

CORAM:

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

HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER

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, R10.
Ms. Sneha for Ms. Apparajitha Vishwanath for R8.
Ms. Krithika for Sri. Lakshmi Kumaran for R11.

ORDER

1. The above case has been posted to today for Committee to file the report as directed by this Tribunal.

2. When the matter came up for hearing today through Video Conference, there is no representation for the applicant. Smt. Me. Saraswathy represented 1st respondent, Ms. Madhuri Donti Reddy represented respondents 2 to 4, Mr. P.R. Raman through Sri. C. Seethapathy represented 5th respondent, Sri. D. Srinivasan represented respondents 6, 7, 9 & 10, Ms. Sneha for Ms. Apparajitha Vishwanath represented 8th respondent and Ms. Krithika for Sri. Lakshmi Kumaran represented 11th respondent. Service is complete.
3. The Committee has filed a report dated 10.08.2021, e-filed on the same date and received today with the following conclusion:

IX Conclusions:

1. Construction of CETP: Previously all the units had proposed for construction of common effluent treatment plant but the district administration and the units could not find a suitable land for construction of CETP. Currently all seven units have established their individual effluent treatment plants and hence the proposal of CETP is shelved. The individual ETP's established in the units are fully operational.

2. As per the Ground Water and Water Audit Department, Government of Andhra Pradesh, the ground water in the region is saline in nature due to sea water intrusion. The units have to treat the ground water in RO system for use for domestic and industrial purpose. Due to high salinity there are high chances of frequent clogging of RO membranes. In addition, the available ground water resources are not sufficient to meet the industrial water requirements. Thereby withdrawal of ground water and procurement of water from tankers will be avoided. The committee humbly submits to Hon'ble NGT to direct the Andhra Pradesh Industrial Infrastructure Corporation (APIIC) and Department of Industries, Nellore to provide water supply to the industries. There are seven edible oil industries operating in Muthukur village, Krishnapatnam.

3. The units have not disposed spent nickel catalyst to authorized re-processors stating that the small quantity of waste is generated. The committee submits to Hon'ble NGT to instruct APPCB to direct the industries to safely store the spent nickel catalyst and to dispose the same to authorized re-processors. The

units shall be directed to comply with Hazardous Waste Rules, 2016 and shall dispose the hazardous wastes as directed in the consent within 90 days period.

4. During the inspection, the committee did not observe any discharge of effluent into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises.

5. The units shall maintain proper records for fullers earth (bye-product) generated and oil recovered from the ETP and its mode of its disposal. Though all units informed that the same were disposed for incense sticks manufacturer and soap industries, however no records were shown to committee.

6. The units are importing crude palm oil and sunflower oil from Malaysia, Singapore and Indonesia. The Port Authorities are testing the crude oil for presence of any mineral oil and after ensuring that no mineral oil is present, the consignment is handed to the units. While verifying the documents, the committee observed that the quantity of the imported crude is around 60% to 70% of the unit production. The units are locally procuring crude oil from other industries (it was reported that these industries purchase palm and sunflower from farmers and extract crude and sell to edible oil refineries in Krishnapatnam). The crude that is locally purchased is not tested for the presence of mineral oil content or Hydrocarbons. The committee humbly submits to Hon'ble NGT that the units have to carry out mineral oil test with every batch of consignment locally procured also. These reports have to be submitted to APPCB along with their compliance report.

7. Based on the inspection during October, 2020 the committee had assessed environmental compensation for non-compliances during the period 17.01.2020 to 14.10.2020. The committee again inspected during July, 2021 and considering the improvements and compliances/ non-compliances the committee has ascertained EC. The committee submits to Hon'ble NGT to direct the units to pay Environmental Compensation to APPCB as summarized below:

S. No	Name of the Unit	Environmental Compensation to be paid by the unit to APPCB 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/-

8. The units have provided online emission monitoring system to measure PM10. The porthole provided for manual monitoring are utilized by the units to install online dust monitors. The units shall

ensure that real time data is directly transferred from analyser to APPCB server without any interface.

9. Fly ash is found dumped in low lying area to an extent of ten acres in vacant plot. All the industries informed that they are not responsible for the dumping. The committee submits to Hon'ble NGT to direct all seven industries to jointly compact the fly ash and to cover with minimum 10cm clay/ soil cover to prevent ambient dust.

10. The public roads surrounding the industries are in very poor condition due to movement of heavy vehicles. M/s. Emami, M/s. Gemini and M/s. Adani Wilmar Unit shall collectively construct new concrete roads as part of CSR activity. The units shall develop green belt all along the boundary of the units and in vacant spaces and ensure that the 33% of total area is covered with green belt. In addition as part of CSR activity the units can take up compensatory green belt in public lands.

4. 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.
5. For completion of pleading and consideration of further reports, post on 16.09.2021.

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

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

O.A. No.221/2015,
11th August, 2021. AM.

Item No.5:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 221 of 2015 (SZ)
(Through Video Conference)

IN THE MATTER OF:

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

... Applicant(s)

Versus

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

... Respondent(s)

Date of hearing: 16.09.2021.

CORAM:

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

HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Smt. M. Saraswathy for R1.
Smt. Madhuri Donti Reddy for R2 to R4.
Sri. C. Seethapathy for R5.
Sri. D. Srinivasan for R6, R7, R9, R10.
Ms. Shwetha Vasudevan represented
M/s. Apparajitha Vishwanath for R8.
Ms. Krithika represented
Sri. Lakshmi Kumaran for R11.

ORDER

1. The above case has been posted today for filing objections to the report of the committee and also for completion of pleadings.

2. The respondents 9 and 10 filed their objections to the committee report.
We feel it appropriate to direct the committee to consider the objections filed by the respondents 9 and 10 and also objections, if any, to be filed by the 11th respondent before them within a week after filing the same before this Tribunal within that time.
3. The respondents 9 and 10 are also directed to submit their copy of the objections filed by them before the members of the committee, so that they can consider the same as directed by this Tribunal.
4. The 11th respondent is directed to file his/her objections to the committee report before one week, before this Tribunal and also to serve a copy of the same to the members of the committee within that time.
5. The committee is directed to consider these objections and give their opinion regarding the same, so that that can also be considered by this Tribunal at the time of considering the matter during final hearing.
6. The learned counsel appearing for the Andhra Pradesh Pollution Control Board (APPCB) submitted that regarding the further action taken, 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.
7. 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.

8. 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 PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.
9. The Registry is directed to communicate this order to the members of the committee as well as the official respondents and also to the Chairman, Andhra Pradesh Pollution Control Board (APPCB) along with the copy of the application immediately through e-mail, so as to enable them to comply with the direction.
10. For consideration of further action taken report, post on **18.10.2021**.

Sd/--

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

Sd/--

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

O.A. No.221/2015,
16.09.2021. Sr.



Order No. 149/APPCB/UH-II/TF/NLR/2018-

Date: 23.09.2021.

DIRECTIONS

Sub: PCB - HO – UH-II – TF - M/s.3F Industries Limited (formerly M/s.Foods Fats & Fertilizers Ltd.) Sy. No. 1604, Epuru 1-B, Pantapalem (V), Muthukuru (M), SPSR Nellore District – The Hon'ble NGT (SZ), Chennai order dated 11.08.2021 in O.A. No.221 of 2015 - Non-compliance of Board directions - Legal hearing held on 07.09.2021- **Directions – Issued – Reg.**

Ref:

1. CFO order issued to the industry on 23.07.2016.
2. Memorandum of Application No. 221 of 2015 filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai.
3. Order No.149/APPCB/UH-II/TF/NLR/2020-1813 dt.17.01.2020.
4. The Hon'ble NGT order dated 16.03.2020 in O.A. No.221 of 2015.
5. Order No. 149/APPCB/UH-II/TF/NLR/2019, dt. 28.09.2020.
6. Joint committee inspection on 13.10.2020 & 14.10.2020 and committee report dated.01.12.2020.
7. The Hon'ble NGT order dated 07.01.2021 in O.A. No.221 of 2015.
8. Joint committee inspection on 29.07.2021 & 30.07.2021 and committee report dated.10.08.2021.
9. The Hon'ble NGT order dated 11.08.2021 in O.A. No.221 of 2015.
10. External Advisory Committee (Task Force) Meeting held on 07.09.2021.

WHEREAS you are operating an edible oil refinery unit in the name & style of M/s. 3F Industries limited (formerly M/s.Foods Fats & Fertilizers Ltd.) at Sy. No. 1604, Epuru 1-B, Pantapalem (V), Muthukuru (M), SPS Nellore District.

WHEREAS the Board vide reference 1st cited, issued consent for operation to the industry on 23.07.2016 for a period upto 30.06.2021 to produce Refined Vegetable Oils (Physical) – 670.16 Tons/day, Refined Vegetable Oil (Chemical) - 100 Tons/day etc.

WHEREAS vide reference 2nd cited, an application was filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai against Pollution problems caused by the above edible oil industries (SI.No.1 to 7) vide O.A.No.221 of 2015. The Board is reviewing the industries and issuing directions time to time.

WHEREAS the Board vide reference 3rd cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions on 17.01.2020.

WHEREAS vide reference 4th cited, the Hon'ble NGT, SZ, Chennai vide order dt. 16.03.2020 in O.A. No. 221 of 2015 has appointed a joint committee to inspect the edible oil industries located near Krishnapatnam area, SPSR Nellore district to submit a factual report.

WHEREAS the Board vide reference 5th cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions dated 28.09.2020.

WHEREAS vide reference 6th cited, the joint committee inspected the Edible Oil Industries on 13.10.2020 & 14.10.2020 and submitted report to the Hon'ble National Green Tribunal on 01.12.2020.

WHEREAS vide reference 7th cited, the Hon'ble NGT vide order dated 07.01.2021 directed the A.P. Pollution Control Board to serve the copy of the report to the respondents so that they can file their objections, if any, to the NGT.

[Handwritten signature]

WHEREAS the M/s.3F Industries Limited (formerly M/s.Foods Fats & Fertilizers Ltd.) Sy.No. 1604, Epuru 1-B, Pantapalem (V), Muthukuru (M), SPSR Nellore District submitted their objections on joint committee report.

WHEREAS vide reference 8th cited, the committee again inspected the edible oil industry on 29.07.2021 & 30.07.2021 and submitted inspection report on 10.08.2021 to the Hon'ble NGT (SZ), Chennai ..

WHEREAS vide reference 9th cited, the Hon'ble NGT heard the case on 11.08.2021 and directed the Board to take necessary action.

WHEREAS vide reference 10th cited, legal hearing was conducted before the External Advisory Committee (Task Force) of A.P. Pollution Control Board on 07.09.2021. The representatives of the Edible oil units and EE RO Nellore attended the meeting through VC. The representatives attended the meeting and could not propose the permanent water source to cater requirement of edible oil industries, despite of ample opportunity and time. Further, they could not able to explain the reasons for delay in repairing of common roads to villages and also reported progress of other conditions.

After detailed discussions, the 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. The Board hereby issue the following directions under Sec.33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987:

1. The industry shall immediately pay the EC of Rs.1,10,06,000/- within a week time
2. The industry shall stop procurement of water from the outside agencies which was tapped in illegal manner. They shall meet water requirement from government authorized sources only.
3. The industry shall store the spent nickel catalyst safely until its disposal to the authorized re-processors. The industry shall dispose the waste within 90 days from date of generation and shall comply with other provisions of HoWM Rules,2016 for transportation and disposal.
4. The industry shall not discharge treated/ untreated effluents into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises.
5. The industry shall maintain proper records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of disposal.
6. The industry shall maintain test results for mineral oil in v/v% in the crude palm & sunflower oil procuring from indigenous sources and from the crude edible oil being imported from foreign countries. The proof of test reports for every consignment submitted to Food Quality Dept.,/ regulatory bodies shall be produced to Regional Office, Nellore for every 3 months.
7. The industry shall provide online AAQ monitoring station to continuously monitor PM10, SO2 & other critical pollutants in the upward and cross wind directions at surrounding villages, in network with other edible oil industries
8. The porthole provided to the stacks for manual monitoring shall not be utilized for online stack monitoring. The units shall ensure that real time data is directly transferred from analyzer to APPCB server without any interface.
9. The committee observed fly ash dumped towards North side of M/s Emami Agrotech Limited. All the 7 nos of edible oil industries directed to jointly compact the fly ash and to cover with minimum 10 cm clay / soil cover to prevent ambient dust. The compliance of the above shall be submitted to the Board within 15 days along with photographic evidence.
10. The industry shall develop green belt all along the boundary and in vacant spaces and ensure that the 33% of total area is covered with green belt. In addition as part of CSR activity the units can take up compensatory green belt in public lands.
11. The industry shall ensure that proper segregation of various types of

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hazardous wastes and shall provide with leachate collection system and to route the run-off / leachate to ETP for treatment.

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12. The industry shall ensure that the storm water drainage system as below:

- i. Entire effluent, including floor washings, spillages etc. shall be sent to the ETP through permanent pipeline network laid above the ground level with appropriate color coding.
- ii. The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP. Implementation plan of action shall be furnished to the Board within 15 days.
- iii. There shall not be any entry of contaminated wastewater into the stormwater drains

13. The industry shall scrupulously comply with all other recommendations made by the Joint Committee in its reports dated 1.12.2020 and 10.08.2021.

14. The industry shall extend the existing Bank Guarantees for further period of one year

You are hereby directed to note that, should you violate any one of the directions mentioned above, your unit will be closed under Sec.33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 and Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987 without any further notice, in the interest of Public Health and Environment.

This Order comes into effect from today i.e., 23.09.2022

Sd/-

**VIJAY KUMAR GSRKR IAS
SECRETARY TO GOVERNMENT**

TO

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

// T.C.F.B.O. //

M. Rajesh
23/9/22

**SENIOR ENVIRONMENTAL ENGINEER
UH-II**



ANDHRA PRADESH POLLUTION CONTROL BOARD
D.No.33-26-14, D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari street, Kasturibaipet, Vijayawada – 520 010

Phone:0866-2463200.
Grams : Kalusya Nivarana
Website :www.appcb.ap.nic.in

Order No. 149/APP/CB/UH-II/TF/NLR/2018-

Date: 23.09.2021.

DIRECTIONS

Sub: PCB - HO – UH-II – TF - M/s. Adani Wilmar Limited (Unit –I), (formerly M/s. Krishnapatnam Oils & Fats Pvt. Ltd.), Sy.No.292,317, Pantapalem (V) (Epur 1B), Muthukur (M), SPS Nellore District – The Hon'ble NGT (SZ), Chennai order dated 11.08.2021 in O.A. No.221 of 2015 - Non-compliance of Board directions - Legal hearing held on 07.09.2021 – Directions – Issued – Reg.

- Ref:**
1. CFO order issued to the industry on 19.03.2016.
 2. O.A.No. 221 of 2015 filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai.
 3. Order No.149/APP/CB/UH-II/TF/NLR/2020-1813 dt.17.01.2020.
 4. The Hon'ble NGT order dated 16.03.2020 in O.A. No.221 of 2015.
 5. Order No. 149/APP/CB/UH-II/TF/NLR/2019, Date:28.09.2020.
 6. Joint committee inspection on 13.10.2020 & 14.10.2020 and committee report dated 01.12.2020.
 7. The Hon'ble NGT order dated 07.01.2021 in O.A. No.221 of 2015.
 8. Joint committee inspection on 29.07.2021 & 30.07.2021 and committee report dated 10.08.2021.
 9. The Hon'ble NGT order dated 11.08.2021 in O.A. No.221 of 2015.
 10. External Advisory Committee (Task Force) Meeting held on 07.09.2021.

WHEREAS you are operating an edible oil refinery unit in the name & style of M/s. Adani Wilmar Limited (formerly M/s. Krishnapatnam Oils & Fats Pvt. Ltd.) at Sy. No.292, 317, Pantapalem (V) (Epur 1B), Muthukur (M), SPS Nellore District.

WHEREAS the Board vide reference 1st cited, issued consent for operation to the industry on 19.03.2016 for a period upto 30.03.2021 to produce Refined Vegetable Oils (Physical)- 600 Tons/day, Interestified Vegetable fats - 100 Tons/day, etc.

WHEREAS vide reference 2nd cited, an application was filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai against Pollution problems caused by the above edible oil industries (Sl.No.1 to 7) vide O.A.No.221 of 2015. The Board is reviewing the industries and issuing directions time to time.

WHEREAS the Board vide reference 3rd cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions on 17.01.2020.

WHEREAS vide reference 4th cited, the Hon'ble NGT, SZ, Chennai vide order dt. 16.03.2020 in O.A. No. 221 of 2015 has appointed a joint committee to inspect the edible oil industries located near Krishnapatnam area, SPSR Nellore district and directed to submit a factual report.

WHEREAS the Board vide reference 5th cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions dated 28.09.2020.

WHEREAS vide reference 6th cited, the joint committee inspected the Edible Oil Industries on 13.10.2020 & 14.10.2020 and submitted report to the Hon'ble National Green Tribunal on 01.12.2020.

WHEREAS vide reference 7th cited, the Hon'ble NGT vide order dated 07.01.2021 directed the A.P. Pollution Control Board to serve the copy of the report to the respondents so that they can file their objections, if any, to the NGT.

M/M

WHEREAS the M/s. Adani Wilmar Limited (Formerly M/s. Krishnapatnam Oils & Fats Pvt. Ltd.), Sy.No. 292, 317, Pantapalem (V), Muthukuru (M), SPSR Nellore District submitted their objections on joint committee report.

WHEREAS vide reference 8th cited, the committee again inspected the edible oil industry on 29.07.2021 & 30.07.2021 and submitted inspection report on 10.08.2021 to the Hon'ble NGT (SZ), Chennai.

WHEREAS vide reference 9th cited, the Hon'ble NGT heard the case on 11.08.2021 and directed the Board to take necessary action.

WHEREAS vide reference 10th cited, legal hearing was conducted before the External Advisory Committee (Task Force) of A.P. Pollution Control Board on 07.09.2021. The representatives of the Edible oil units and EE RO Nellore attended the meeting through VC. The representatives attended the meeting and could not propose the permanent water source to cater requirement of edible oil industries, despite of ample opportunity and time. Further, they could not able to explain the reasons for delay in repairing of common roads to villages and also reported progress of other conditions.

After detailed discussions the 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. The Board hereby issue the following directions under Sec.33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987:

1. The industry shall stop procurement of water from the outside agencies which was tapped in illegal manner. They shall meet water requirement from government authorized sources only.
2. The industry shall store the spent nickel catalyst safely until its disposal to the authorized re-processors. The industry shall dispose the waste within 90 days from date of generation and shall comply with other provisions of HWM Rules, 2016 for transportation and disposal.
3. The industry shall not discharge treated/ untreated effluents into the Budhkaluva drain, Pantapalem irrigation channel or into land outside the industry premises.
4. The industry shall maintain proper records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of disposal.
5. The industry shall maintain test results for mineral oil in v/v% in the crude palm & sunflower oil procuring from indigenous sources and from the crude edible oil being imported from foreign countries. The proof of test reports for every consignment submitted to Food Quality Dept.,/ regulatory bodies shall be produced to Regional Office, Nellore for every 3 months.
6. The industry shall provide online AAQ monitoring station to continuously monitor PM10, SO2 & other critical pollutants in the upward and cross wind directions at surrounding villages, in network with other edible oil industries
7. The porthole provided to the stacks for manual monitoring shall not be utilized for online stack monitoring. The units shall ensure that real time data is directly transferred from analyzer to APPCB server without any interface.
8. The committee observed fly ash dumped towards North side of M/s. Emami Agrotech Limited. All the 7 nos of edible oil industries directed to jointly compact the fly ash and to cover with minimum 10 cm clay / soil cover to prevent ambient dust. The compliance of the above shall be submitted to the Board within 15 days along with photographic evidence.
9. The public roads surrounding the industries are in very poor condition due to movement of heavy vehicles. M/s. Emami, M/s. Gemini and M/s. Adani Wilmar Units shall collectively construct new concrete roads as part of CSR activity.
10. The industry shall develop green belt all along the boundary and in vacant spaces and ensure that the 33% of total area is covered with green belt. In addition as part of CSR activity the units can take up compensatory green belt

in public lands.

11. The industry shall ensure that proper segregation of various types of hazardous wastes and shall provide with leachate collection system and to route the run-off / leachate to ETP for treatment.

12. The industry shall ensure that the storm water drainage system as below:

- i. Entire effluent, including floor washings, spillages etc. shall be sent to the ETP through permanent pipeline network laid above the ground level with appropriate color coding.
- ii. The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP. Implementation plan of action shall be furnished to the Board within 15 days.
- iii. There shall not be any entry of contaminated wastewater into the storm water drains.

13. The industry shall scrupulously comply with all other recommendations made by the Joint Committee in its reports dated 1.12.2020 and 10.08.2021.

You are hereby directed to note that, should you violate any one of the directions mentioned above, your unit will be closed under Sec.33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 and Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987 without any further notice, in the interest of Public Health and Environment.

This Order comes into effect from today i.e., 23.09.2021.

Sd/-

VIJAY KUMAR GSRKR IAS
SECRETARY TO GOVERNMENT

To

M/s. Adani Wilmar Limited (Unit -I),
(formerly M/s. Krishnapatnam Oils & Fats Pvt. Ltd.),
Sy.No.292,317, Pantapalem (V) (Epur 1B),
Muthukur (M), SPS Nellore Distric

// T.C.F.B.O. //

M. Rajshankar
27/9/21

SENIOR ENVIRONMENTAL ENGINEER
UH-II



OrderNo.149/APPCB/UH-II/TF/NLR/2018--

Date: 23.09.2021.

DIRECTIONS

Sub: PCB - HO - UH-II - TF - M/s. Adani Wilmar (Unit-II) (Formerly Louis Dreyfus Commodities India Pvt. Ltd.), Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District - The Hon'ble NGT (SZ), Chennai order dated 11.08.2021 in O.A. No.221 of 2015 - Non-compliance of Board directions - Legal hearing held on 07.09.2021 - **Directions - Issued - Reg.**

- Ref:**
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 4. The Hon'ble NGT order dated 16.03.2020 in O.A. No.221 of 2015.
 5. Order No. 149/APPCB/UH-II/TF/NLR/2019, dt. 28.09.2020.
 6. Joint committee inspection on 13.10.2020 & 14.10.2020 and committee report dated.01.12.2020.
 7. The Hon'ble NGT order dated 07.01.2021 in O.A. No.221 of 2015.
 8. Joint committee inspection on 29.07.2021 & 30.07.2021 and committee report dated.10.08.2021.
 9. The Hon'ble NGT order dated 11.08.2021 in O.A. No.221 of 2015.
 10. External Advisory Committee (Task Force) Meeting held on 07.09.2021.

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

WHEREAS the Board vide reference 1st cited, issued consent for operation to the industry dated 19.03.2019 valid upto 28.02.2024 to produce Physical refining of Refined Vegetable Oils (Palm oil, Palmolein, Palmstearin) - 600 Tons/day, Chemical refining Refined Vegetable Oil (Soyabean oil, Sun flower oil, Ground nut oil, Rice bran oil, Cotton seed oil, Mustard oil, Rapeseed oil, Sesame oil) - 200 Tons/day etc.

WHEREAS vide reference 2nd cited, an application was filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai against Pollution problems caused by the above edible oil industries (Sl.No.1 to 7) vide O.A.No.221 of 2015. The Board is reviewing the industries and issuing directions time to time.

WHEREAS the Board vide reference 3rd cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions on 17.01.2020.

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WHEREAS the Board vide reference 5th cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions dated 28.09.2020.

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WHEREAS vide reference 7th cited, the Hon'ble NGT vide order dated 07.01.2021 directed the A.P. Pollution Control Board to serve the copy of the report to the respondents so that they can file their objections, if any, to the NGT.

m/h

WHEREAS the M/s. Adani Wilmar (Unit-II) (Formerly Louis Dreyfus Commodities India Pvt. Ltd.), Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore Dist submitted their objections on joint committee report.

WHEREAS vide reference 8th cited, the committee again inspected the edible oil industry on 29.07.2021 & 30.07.2021 and submitted inspection report on 10.08.2021 to the Hon'ble NGT (SZ), Chennai.

WHEREAS vide reference 9th cited, the Hon'ble NGT heard the case on 11.08.2021 and directed the Board to take necessary action.

WHEREAS vide reference 10th cited, legal hearing was conducted before the External Advisory Committee (Task Force) of A.P. Pollution Control Board on 07.09.2021. The representatives of the Edible oil units and EE RO Nellore attended the meeting through VC. The representatives attended the meeting and could not propose the permanent water source to cater requirement of edible oil industries, despite of ample opportunity and time. Further, they could not able to explain the reasons for delay in repairing of common roads to villages and also reported progress of other conditions.

After detailed discussions, the 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 of EC and issue of 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. The Board hereby issue the following directions under Sec.33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987:

1. The industry shall immediately pay the EC of Rs. 73,80,000/- within a week time
2. The industry shall stop procurement of water from the outside agencies which was tapped in illegal manner. They shall meet water requirement from government authorized sources only.
3. The industry shall store the spent nickel catalyst safely until its disposal to the authorized re-processors and the unit shall comply with Hazardous Waste Rules, 2016 and shall dispose the hazardous wastes as directed in the consent within 90 days period.
4. The Industry shall not discharge any treated/ untreated effluents into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises.
5. The industry shall maintain proper records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of its disposal.
6. The industry are purchasing crude palm & sunflower oil locally solvent extraction units in addition to the import from foreign countries. The crude that is locally purchased is not tested for the presence of mineral oil content or Hydrocarbons. The industries shall carry out mineral oil test with every batch of consignment locally procured also. These reports have to be submitted to APPCB along with their compliance report
7. The industry shall provide online AAQ monitoring station to measure PM10 in the surrounding villages.
8. The porthole provided to the stacks for manual monitoring shall not be utilized for online stack monitors. The units shall ensure that real time data is directly transferred from analyzer to APPCB server without any interface.
9. The committee observed fly ash dumped towards North side of M/s . Emami Agrotech Limited. All the 7 nos of edible oil industries directed to jointly compact the fly ash and to cover with minimum 10 cm clay / soil cover to prevent ambient dust.
10. The public roads surrounding the industries are in very poor condition due to movement of heavy vehicles. M/s. Emami, M/s. Gemini and M/s. Adani Wilmar Unit shall collectively construct new concrete roads as part of CSR activity.

11. The industry shall develop green belt all along the boundary and in vacant spaces and ensure that the 33% of total area is covered with green belt. In addition as part of CSR activity the units can take up compensatory green belt in public lands.
12. The industry shall ensure that proper segregation of various types of hazardous wastes and provide provision with leachate collection.
13. The industry shall ensure that the storm water drainage system as below:
 - i. Entire effluent, including floor washings, spillages etc. shall be sent to the ETP through pipes.
 - ii. The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP.
 - iii. There shall not be any entry of contaminated wastewater into the storm water drains.
14. The industry shall scrupulously comply with all other recommendations made by the Joint Committee in its reports dated 1.12.2020 and 10.08.2021
15. The industry shall extend the existing Bank Guarantee for further period of one year

You are hereby directed to note that, should you violate any one of the directions mentioned above, your unit will be closed under Sec.33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 and Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987 without any further notice, in the interest of Public Health and Environment.

This Order comes into effect from today i.e., 23.09.2021.

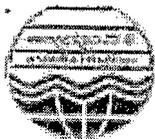
Sd/-
VIJAY KUMAR GSRKR IAS
SECRETARY TO GOVERNMENT

To

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

// T.C.F.B.O. //

M. Rajan
21/9/21
SENIOR ENVIRONMENTAL ENGINEER
UH-II



ANDHRA PRADESH POLLUTION CONTROL BOARD
D.No.33-26-14, D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari street, Kasturibalpet, Vijayawada – 520 010

Phone:0866-2463200.
Grams : Kalusya Nivarana
Website :www.appcb.ap.nic.in

Order No. 149/APPCB/UH-II/TF/NLR/2018-

Date: 23.09.2021.

DIRECTIONS

Sub: PCB - HO – UH-II – TF - M/s. Emami Agrotech Limited (formerly M/s. Emami Biotech Limited), Sy. Nos.501, 502/1, etc. Pantapalem (V), Muthukur (M), SPSR Nellore District – The Hon'ble NGT (SZ), Chennai order dated 11.08.2021 in O.A. No.221 of 2015 - Non-compliance of Board directions - Legal hearing held on 07.09.2021 - Directions – Issued – Reg.

- Ref:**
1. CFO order issued to the industry on 09.12.2015.
 2. Memorandum of Application No. 221 of 2015 filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai.
 3. Order No.149/APPCB/UH-II/TF/NLR/2020- dt.20.03.2020.
 4. The Hon'ble NGT Orders dated 16.03.2020 in O.A. No.221 of 2015.
 5. Order No. 149/APPCB/UH-II/TF/NLR/2019, dt. 28.09.2020.
 6. Joint committee inspection on 13.10.2020 & 14.10.2020 and committee report dated.01.12.2020.
 7. The Hon'ble NGT order dated 07.01.2021 in O.A. No.221 of 2015.
 8. Joint committee inspection on 29.07.2021 & 30.07.2021 and committee report dated.10.08.2021.
 9. The Hon'ble NGT order dated 11.08.2021 in O.A. No.221 of 2015.
 10. External Advisory Committee (Task Force) Meeting held on 07.09.2021.

WHEREAS you are operating industry in the name & style of M/s. Emami Agrotech Limited (formerly M/s. Emami Biotech Limited) established & operating an Edible oil refinery unit at Sy. Nos.501, 502/1, etc. Pantapalem (V), Muthukur (M), SPSR Nellore District.

WHEREAS the Board vide reference 1st cited, issued consent for operation to the industry on 09.12.2015 (amendment order dated.24.02.2016), 26.12.2016 (expansion) & 13.11.2018 (existing) for a period upto 30.11.2021 to produce Refined Palm Oil - 1886 Tons/day, Sunflower oil – 186 TPD etc.

WHEREAS vide reference 2nd cited, an application was filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai against Pollution problems caused by the above edible oil industries (Sl.No.1 to 7) vide O.A.No.221 of 2015. The Board is reviewing the industries and issuing directions time to time.

WHEREAS the Board vide reference 3rd cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions to the industry dt 20.03.2020 including submission of additional Bank Guarantee of Rs.10.0 Lakhs.

WHEREAS vide reference 4th cited, the Hon'ble NGT, SZ, Chennai vide order dt. 16.03.2020 in O.A. No. 221 of 2015 has appointed a joint committee to inspect the edible oil industries located near Krishnapatnam area, SPSR Nellore district and directed to submit a factual report.

WHEREAS the Board vide reference 5th cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions dated 28.09.2020.

WHEREAS vide reference 6th cited, the joint committee inspected the Edible Oil Industries on 13.10.2020 & 14.10.2020 and submitted report to the Hon'ble National Green Tribunal on 01.12.2020.

WHEREAS vide reference 7th cited, the Hon'ble NGT vide order dated 07.01.2021 directed the A.P. Pollution Control Board to serve the copy of the report to the respondents so that they can file their objections, if any, to the NGT.

Handwritten signature

WHEREAS the M/s. Emami Agrotech Limited (formerly M/s. Emami Biotech Limited), Sy. Nos.501, 502/1, etc. Pantapalem (V), Muthukur (M), SPSR Nellore District submitted their objections on joint committee report.

WHEREAS vide reference 8th cited, the committee again inspected the edible oil industry on 29.07.2021 & 30.07.2021 and submitted inspection report on 10.08.2021 to the Hon'ble NGT (SZ), Chennai .

WHEREAS vide reference 9th cited, the Hon'ble NGT heard the case on 11.08.2021 and directed the Board to take necessary action.

WHEREAS vide reference 10th cited, legal hearing was conducted before the External Advisory Committee (Task Force) of A.P. Pollution Control Board on 07.09.2021. The representatives of the Edible oil units and EE RO Nellore attended the meeting through VC. The representatives attended the meeting and could not propose the permanent water source to cater requirement of edible oil industries, despite of ample opportunity and time. Further, they could not able to explain the reasons for delay in repairing of common roads to villages and also reported progress of other conditions.

After detailed discussions , the 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 of EC and issue of 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. The Board hereby issue the following directions under Sec.33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987:

1. The industry shall immediately pay the EC of Rs.1,32,50,000/- within a weektime
2. The industry shall stop procurement of water from the outside agencies which was tapped in illegal manner. They shall meet water requirement through surface water sources from government authorized agencies only.
3. The industry shall store the spent nickel catalyst safely until its disposal to the authorized re-processors. The industry shall dispose the waste within 90 days from date of generation and shall comply with other provisions of HoWM Rules,2016 for transportation and disposal.
4. The industry shall not discharge treated/ untreated effluents into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises.
5. The industry shall maintain proper records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of disposal.
6. The industry shall maintain test results for mineral oil in v/v% in the crude palm & sunflower oil procuring from indigenous sources and from the crude edible oil being imported from foreign countries. The proof of test reports for every consignment submitted to Food Quality Dept.,/ regulatory bodies shall be produced to Regional Office, Nellore for every 3 months.
7. The industry shall provide online AAQ monitoring station to continuously monitor PM10, SO2 & other critical pollutants in the upward and cross wind directions at surrounding villages, in network with other edible oil industries
8. The porthole provided to the stacks for manual monitoring shall not be utilized for online stack monitoring. The units shall ensure that real time data is directly transferred from analyzer to APPCB server without any interface.
9. The committee observed fly ash dumped towards North side of M/s . Emami Agrotech Limited. All the 7 nos of edible oil industries directed to jointly compact the fly ash and to cover with minimum 10 cm clay / soil cover to prevent ambient dust. The compliance of the above shall be submitted to the Board within 15 days along with photographic evidence.
10. The public roads surrounding the industries are in very poor condition due to movement of heavy vehicles. M/s. Emami, M/s. Gemini and M/s. Adani Wilmar Units shall collectively construct new concrete roads as part of CSR activity.
11. The industry shall develop green belt all along the boundary and in vacant spaces and ensure that the 33% of total area is covered with green belt. In addition as part of CSR activity the units can take up compensatory green

- belt in public lands.
12. The industry shall ensure that proper segregation of various types of hazardous wastes and shall provide with leachate collection system and to route the run-off / leachate to ETP for treatment.
 13. The industry shall ensure that the storm water drainage system as below:
 - i. Entire effluent, including floor washings, spillages etc. shall be sent to the ETP through permanent pipeline network laid above the ground level with appropriate color coding.
 - ii. The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP. Implementation plan of action shall be furnished to the Board within 15 days.
 - iii. There shall not be any entry of contaminated wastewater into the storm water drains
 14. The industry shall scrupulously comply with all other recommendations made by the Joint Committee in its reports dated 1.12.2020 and 10.08.2021.
 15. The industry shall extend the Bank Guarantee of Rs. 50 lakhs dt. 06.10.2020 for further period for one more year i.e 05.10.2022.

You are hereby directed to note that, should you violate any one of the directions mentioned above, your unit will be closed under Sec.33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 and Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987 without any further notice, in the interest of Public Health and Environment.

This Order comes into effect from today i.e., 23.09.2021.

**Sd/-
VIJAY KUMAR GSRKR IAS
SECRETARY TO GOVERNMENT**

To
M/s. Emami Agrotech Limited
(formerly M/s. Emami Biotech Limited),
Sy. Nos.501, 502/1, etc. Pantapalem (V),
Muthukur (M), SPSR Nellore District.

// T.C.F.B.O. //
M. Raju
SENIOR ENVIRONMENTAL ENGINEER
UH-II



Order No. 149/APPCB/UH-II/TF/NLR/2018-

Date: 23.09.2021.

DIRECTIONS

Sub: PCB - HO – UH-II – TF - M/s. Gemini Edibles & Fats India Pvt. Ltd., Sy No.1607/2, Industrial Park, Pantapalem (V), Muthukur (M), SPSR Nellore District – The Hon'ble NGT (SZ), Chennai order dated 11.08.2021 in O.A. No.221 of 2015 - Non-compliance of Board Directions - Legal hearing held on 07.09.2021 - **Directions – Issued – Reg.**

- Ref:**
1. CFO order issued to the industry dated 15.07.2021.
 2. Memorandum of Application No. 221 of 2015 filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai.
 3. Order No.149/APPCB/UH-II/TF/NLR/2020-1813 dt.17.01.2020.
 4. The Hon'ble NGT order dated 16.03.2020 in O.A. No.221 of 2015.
 5. Order No. 149/APPCB/UH-II/TF/NLR/2019, dt. 28.09.2020.
 6. Joint Committee Inspection on 13.10.2020 & 14.10.2020 and Committee report dated.01.12.2020.
 7. The Hon'ble NGT Orders dated 07.01.2021 in O.A. No.221 of 2015.
 8. Joint Committee Inspection on 29.07.2021 & 30.07.2021 and Committee report dated.10.08.2021.
 9. The Hon'ble NGT Orders dated 11.08.2021 in O.A. No.221 of 2015.
 10. External Advisory Committee (Task Force) Meeting held on 07.09.2021.

WHEREAS you are operating the industry in the name & style of M/s. Gemini Edibles & Fats India Private Limited, at Sy.No.1607/2, Industrial Park, Pantapalem (V), Muthukur (M), SPSR Nellore district and engaged in the production of edible oil.

WHEREAS the Board vide reference 1st cited, issued consent for operation to the industry dated 15.07.2021 for a period upto 30.06.2026 to produce Refined Vegetable Oils (Physical)- 700 Tons/day, Refined Vegetable Oil (Chemical) - 400 Tons/day, Fractioned Vegetable oil - 600 Tons/day, Interestified fats - 125 Tons/day and Vanaspati - 100 Tons/day; and by products: Distilled Fatty Acids – 49.176 TPD, Acid Oil – 6.42 TPD and Spent earth – 8.69 TPD.

WHEREAS an application was filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District vide reference 2nd cited, before the Hon'ble National Green Tribunal, Chennai against Pollution problems caused by the above edible oil industries (Sl.No.1 to 7) vide O.A.No.221 of 2015. The Board is reviewing the industries and issuing directions time to time.

WHEREAS the Board vide reference 3rd cited, reviewed the edible oil industries existing in Krishnapatnam area and issued directions on 17.01.2020.

WHEREAS the Hon'ble NGT, SZ, Chennai vide order dt. 16.03.2020 in O.A. No. 221 of 2015 has appointed a joint committee to inspect the edible oil industries located in Krishnapatnam area, SPSR Nellore district and directed to submit a factual report.

WHEREAS the Board vide reference 5th cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions dated 28.09.2020.

WHEREAS the joint committee vide reference 6th cited, inspected the Edible Oil Industries on 13.10.2020 & 14.10.2020 and submitted report to the Hon'ble National Green Tribunal on 01.12.2020.

WHEREAS the Hon'ble NGT vide order dated 07.01.2021 directed the A.P. Pollution Control Board to serve the copy of the report to the respondents so that they can file their objections, if any, to the NGT.

WHEREAS the M/s. Gemini Edibles & Fats India Pvt. Ltd., Sy No.1607/2, Industrial Park, Pantapalem (V), Muthukur (M), SPSR Nellore District submitted their objections on joint committee report.

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WHEREAS the committee vide reference 8th cited, again inspected the edible oil industry on 29.07.2021 & 30.07.2021 and submitted inspection report on 10.08.2021 to the Hon'ble NGT (SZ), Chennai .

WHEREAS vide reference 9th cited, the Hon'ble NGT heard the case on 11.08.2021 and directed the Board to take necessary action.

WHEREAS legal hearing was conducted before the External Advisory Committee (Task Force) of A.P. Pollution Control Board on 07.09.2021 vide reference 10th cited. The representatives of the Edible Oil Units and EE RO Nellore attended the meeting through VC. The representatives attended the meeting and could not propose the permanent water source to cater requirement of edible oil industries, despite of ample opportunity and time provided by the board since 2016.. Further, they could not able explain the reasons for delay in repairing of common roads to villages and also reported progress of other conditions.

After detailed discussions, the 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 of EC and issue of 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. The Board hereby issue the following directions under Sec.33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987:

1. The industry shall pay the EC of Rs.66,00,000/- within a week time
2. The industry shall stop procurement of water from the outside agencies which was tapped in illegal manner. They shall meet water requirement through surface water sources from government authorized agencies only.
3. The industry shall store the spent nickel catalyst safely until its disposal to the authorized re-processors. The Industry shall dispose the waste within 90 days from date of generation and shall comply with other provisions of HWM Rules, 2016 for transportation and disposal.
4. The industry shall not discharge treated/ untreated effluents into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises.
5. The industry shall maintain proper records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of disposal.
6. The industry shall maintain test results for mineral oil in v/v% in the crude palm & sunflower oil procuring from indigenous sources and from the crude edible oil being imported from foreign countries. The proof of test reports for every consignment submitted to Food Quality Dept.,/ regulatory bodies shall be produced to Regional Office, Nellore for every 3 months.
7. The industry shall provide online AAQ monitoring station to continuously monitor PM10, SO2 & other critical pollutants in the upward and cross wind directions at surrounding villages, in network with other edible oil industries
8. The porthole provided to the stacks for manual monitoring shall not be utilized for online stack monitoring. The units shall ensure that real time data is directly transferred from analyzer to APPCB server without any interface.
9. The committee observed fly ash dumped towards North side of M/s. Emami Agrotech Limited. All the 7 nos of edible oil Industries directed to jointly compact the fly ash and to cover with minimum 10 cm clay / soil cover to prevent ambient dust. The compliance of the above shall be submitted to the Board within 15 days along with photographic evidence.
10. The public roads surrounding the industries are in very poor condition due to movement of heavy vehicles. M/s. Emami, M/s. Gemini and M/s. Adani Wilmar Units shall collectively construct new concrete roads as part of CSR activity.
11. The industry shall develop green belt all along the boundary and in vacant spaces and ensure that the 33% of total area is covered with green belt. In addition ,as part of CSR activity, the units can take up compensatory green belt in public lands.

MM

12. The industry shall ensure that proper segregation of various types of hazardous wastes and shall provide with leachate collection system and to route the run-off / leachate to ETP for treatment.
13. The industry shall ensure that the storm water drainage system as below:
 - i. Entire effluent, including floor washings, spillages etc. shall be sent to the ETP through permanent pipeline network laid above the ground level with appropriate color coding.
 - ii. The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP. Implementation plan of action shall be furnished to the Board within 15 days.
 - iii. There shall not be any entry of contaminated wastewater into the storm water drains.
14. The industry shall scrupulously comply with all other recommendations made by the Joint Committee in its reports dated 1.12.2020 and 10.08.2021.
15. The industry shall extend the existing Bank Guarantees for further period of one year.

You are hereby directed to note that, should you violate any one of the directions mentioned above, your unit will be closed under Sec.33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 and Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987 without any further notice, in the interest of Public Health and Environment.

This Order comes into effect from today i.e., 23.09.2021.

**Sd/-
VIJAY KUMAR GSRKR IAS
SECRETARY TO GOVERNMENT**

To
M/s. Gemini Edibles & Fats India Pvt. Ltd.,
Sy No.1607/2, Industrial Park,
Pantapalem (V), Muthukur (M),
SPSR Nellore District.

// T.C.F.B.O. //

M. Raju
**SENIOR ENVIRONMENTAL ENGINEER
UH-II**



ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No.33-26-14, D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari street, Kasturibaipet, Vijayawada – 520 010

Phone:0866-2463200,
Grams : Kalusya Nivarana
Website :www.appcb.ap.nic.in

Order No. 149/APPCB/UH-II/TF/NLR/2018-

Date: 23.09.2021.

DIRECTIONS

Subj: PCB - HO – UH-II – TF - M/s. Saraiwalaa Agr. Refineries Limited, Sy.No. 256, 257/1, 257/2A, 257/2B, 271, 272, 273/A, 274, Pantapalem (V), Muthukuru (M), SPSR Nellore District – The Hon'ble NGT (SZ), Chennai order dated 11.08.2021 in O.A. No.221 of 2015 - Non-compliance of Board directions - Legal hearing held on 07.09.2021 – **Directions – Issued – Reg.**

- Ref:**
1. Order No:N-143/APPCB/ZO-VJA/CFOW&A/2012-606, dt.14.06.2016.
 2. O.A.No. 221 of 2015 filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai.
 3. Order No. 149/APPCB/UH-II/TF/NLR/2018, dated 15.02.2018.
 4. The Hon'ble NGT order dated 16.03.2020 in O.A. No.221 of 2015.
 5. Joint committee inspection on 13.10.2020 & 14.10.2020 and committee report dated 01.12.2020.
 6. The Hon'ble NGT order dated 07.01.2021 in O.A. No.221 of 2015.
 7. The Hon'ble NGT order dated 11.08.2021 in O.A. No.221 of 2015.
 8. External Advisory Committee (Task Force) Meeting held on 07.09.2021.

WHEREAS you are operating an edible oil refinery unit in the name & style of M/s. Saraiwalaa Agr. Refineries Limited, Sy.No. 256, 257/1, 257/2A, 257/2B, 271, 272, 273/A, 274, Pantapalem (V), Muthukuru (M), SPSR Nellore District.

WHEREAS the Board vide reference 1st cited, issued Consent for operation and Hazardous Waste Authorization to the Industry on 14.06.2016, which is expired on 31.05.2021 subject to the compliance of standards and conditions stipulated therein.

WHEREAS vide reference 2nd cited, an application was filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District before the Hon'ble National Green Tribunal, Chennai against Pollution problems caused by the above edible oil industries (Sl.No.1 to 7) vide O.A.No.221 of 2015.

WHEREAS the Board vide reference 3rd cited, reviewed the edible oil industries existing near Krishnapatnam area and issued directions dated 15.02.2018.

WHEREAS vide reference 4th cited, the Hon'ble NGT, SZ, Chennai vide order dt. 16.03.2020 in O.A. No. 221 of 2015 has appointed a joint committee to inspect the edible oil industries located near Krishnapatnam area, SPSR Nellore district and directed to submit a factual report.

WHEREAS vide reference 5th cited, the joint committee inspected the Edible Oil Industries on 13.10.2020 & 14.10.2020 and submitted report to the Hon'ble National Green Tribunal on 01.12.2020.

WHEREAS vide reference 6th cited, the Hon'ble NGT vide order dated 07.01.2021 directed the A.P. Pollution Control Board to serve the copy of the report to the respondents so that they can file their objections, if any, to the NGT.

WHEREAS the Joint committee has again submitted inspection report on 10.08.2021 to the Hon'ble NGT (SZ), Chennai .

WHEREAS vide reference 7th cited, the Hon'ble NGT heard the case on 11.08.2021 and directed the Board to take necessary action.

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WHEREAS vide reference 8th cited, legal hearing was conducted before the External Advisory Committee (Task Force) of A.P. Pollution Control Board on 07.09.2021. The representatives of the Edible oil units and EE RO Nellore attended the meeting through VC. The representatives attended the meeting and could not propose the permanent water source to cater requirement of edible oil industries, despite of ample opportunity and time. Further, they could not able to explain the reasons for delay in repairing of common roads to villages and also reported progress of other conditions.

After detailed discussions the 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. The Board hereby issue the following directions under Sec.33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987:

1. The industry shall stop procurement of water from the outside agencies which was tapped in illegal manner. They shall meet water requirement from government authorized sources only.
2. The industry shall store the spent nickel catalyst safely until its disposal to the authorized re-processors. The industry shall dispose the waste within 90 days from date of generation and shall comply with other provisions of HoWM Rules, 2016 for transportation and disposal.
3. The industry shall not discharge treated/ untreated effluents into the Budhakuva drain, Pantapalem irrigation channel or into land outside the industry premises.
4. The industry shall maintain proper records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of disposal.
5. The industry shall maintain test results for mineral oil in v/v% in the crude palm & sunflower oil procuring from indigenous sources and from the crude edible oil being imported from foreign countries. The proof of test reports for every consignment submitted to Food Quality Dept.,/ regulatory bodies shall be produced to Regional Office, Nellore for every 3 months.
6. The industry shall provide online AAQ monitoring station to continuously monitor PM10, SO2 & other critical pollutants in the upward and cross wind directions at surrounding villages, in network with other edible oil industries
7. The porthole provided to the stacks for manual monitoring shall not be utilized for online stack monitoring. The units shall ensure that real time data is directly transferred from analyzer to APPCB server without any interface.
8. The committee observed fly ash dumped towards North side of M/s . Emami Agrotech Limited. All the 7 nos of edible oil industries directed to jointly compact the fly ash and to cover with minimum 10 cm clay / soil cover to prevent ambient dust. The compliance of the above shall be submitted to the Board within 15 days along with photographic evidence
9. The industry shall develop green belt all along the boundary and in vacant spaces and ensure that the 33% of total area is covered with green belt. In addition as part of CSR activity the units can take up compensatory green belt in public lands.
10. The industry shall ensure that proper segregation of various types of hazardous wastes and shall provide with leachate collection system and to route the run-off / leachate to ETP for treatment.
11. The industry shall ensure that the storm water drainage system as below:
 - i. Entire effluent, including floor washings, spillages etc. shall be sent to the ETP through permanent pipeline network laid above the ground level with appropriate color coding.
 - ii. The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP. Implementation plan of action shall be furnished to the Board within 15 days.
 - iii. There shall not be any entry of contaminated wastewater into the storm water drains.
12. The industry shall scrupulously comply with all other recommendations made by the Joint Committee in its reports dated 1.12.2020 and 10.08.2021

You are hereby directed to note that, should you violate any one of the directions mentioned above, your unit will be closed under Sec.33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 and Sec.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987 without any further notice, in the interest of Public Health and Environment.

This Order comes into effect from today i.e., 23.09.2021.

Sd/-

**VIJAY KUMAR GSRKR IAS
SECRETARY TO GOVERNMENT**

To

**M/s. Saraiwwalaa Agr. Refineries Limited,
Sy.No. 256, 257/1, 257/2A, 257/2B, 271, 272, 273/A, 274,
Pantapalem (V), Muthukuru (M),
SPSR Nellore District.**

// T.C.F.B.O. //

my. Rajshree 21/9/21
**SENIOR ENVIRONMENTAL ENGINEER
UH-II**



Gemini Edibles & Fats India Limited

(Formerly known as Gemini Edibles & Fats India Private Limited)

Regd. Off: "FREEDOM HOUSE", 8-2-334/70 & 71, (Opp. SBI Executive Enclave),
Road No. 5, Banjara Hills, Hyderabad - 500 034, Telangana, India.
Phone : +91 40 6735 7888, Fax : +91 40 6735 7878 www.gefindia.com

CIN : U15205TG2008PLC058708 PAN : AADCG5150F

To,

Date: October 01, 2021

Mr. Vijay Kumar GSRKR IAS,
Secretary to Government
Andhra Pradesh Pollution Control Board
D.No. 33-26-14, D/2 Near Sunrise Hospital,
Pushpa Hotel Center, Chalamalavari street,
Kasturibaipet, Vijayawada - 520 010.



APPCB
06/10/21

Respected Sir,

Sub.: Response to your office Order No. 149/APPCB/UH-II/TF/NLR/2018 dated September 23, 2021, received by the company on 29th September, 2021.

Your good office is seeking to reiterate certain directions vide above mentioned Order No. 149 dated September 23, 2021 under subject matter: PCB-HO-UH-II-TF-M/s Gemini Edibles & Fats India Pvt. Ltd. Sy No. 1607/2, Industrial Park, Pantapalem (V), Muthukur (M), SPSR Nellore District-The Hon'ble NGT (SZ), Chennai order dated 11.08.2021 in O.A. No. 221 of 2015-Non-compliance of Board Directions-Legal hearing held on 07.09.2021-Directions-Issued-Reg.

In this context we hereby submit that the directions given vide above order No. 149 dated September 23, 2021, are based on the Joint Committee Report of December, 2020 in terms of the order passed by the Hon'ble NGT. Subsequently the Joint Committee once again inspected the edible oil units in July, 2021 and submitted its Report of the compliance to Hon'ble NGT on 10th August, 2021, wherein inter-alia the Joint Committee was satisfied with the overall compliance status of our company. **The report stated "Presently unit is found complying with all conditions stipulated in CFO."**

The Report of August, 2021 dealt with various issues arising from the earlier report of December 2020 and found our company now complying in all the points. The Report has been filed before the Hon'ble NGT, taken on record, liberty granted for filing any objections to the same while adjourning the case for further adjudication.

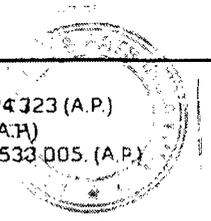
It is respectfully submitted that the directions given vide your above referred Order No. 149 dated 23rd September, 2021, may kindly be read with Joint Committee Report submitted on 10th August, 2021 to Hon'ble National Green Tribunal, Southern Bench, Chennai.

However, some common issues relating to edible oil industries have been highlighted in the Joint Committee Report dated 10th August, 2021 which need to be addressed jointly by all the edible oil units.

These common issues where our Company may also be involved are as under:

Works :

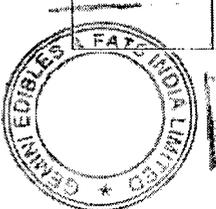
- Survey No. 1607/2, APIIC Industrial Park, Pantapalem (Epuru 1B) (V), Muthukuru (M), Sri Potti Sri Ramulu Nellore Dist. - 524 323 (A.P)
- Survey Nos. (parts) 176, 177, 179 & 308, Thammavaram (V), Suryaraopeta (G.P.), Kakinada Rural (M), E.G. Dist. - 533 005. (A.P)
- Plot Nos. 29, 30, 32, 33 & 24 A, APIIC Industrial Park - Vakalapudi, Vakalapudi (V) and (G.P.), Kakinada Rural (M), E.G. Dist. - 533 005. (A.P)



Sr. No.	Observations	Company's response
1	<p>Issue related to drawl of water from tankers and ground water:</p> <p>The Committee humbly submits to Hon'ble NGT to direct the Andhra Pradesh Industrial Infrastructure Corporation (APIIC) and Department of Industries, Nellore to provide water supply to the industries.</p>	<p>While the recommendation concerns with APIIC, nevertheless our Company along with other edible oil units have obtained permission from Nellore Municipal Corporation for drawl of water through pipeline. We have been pursuing this matter with Municipal Commissioner, Nellore and they have conducted meeting on 13th August 2021 & 23rd September 2021. They have confirmed that they can supply the water through pipeline & project cost has to be shared by the industries. After the detailed project is made available by the department then the industries will coordinate for the implementation .</p>
2	<p>Fly ash dumping:</p> <p>Fly ash is found dumped in low lying area to the extent of 10 acres in vacant plot. All the industries informed that they are not responsible for dumping. The Committee submits to Hon'ble NGT to direct all seven industries to jointly compact the fly ash and to cover with minimum 10cm clay/ soil cover to prevent ambient dust.</p>	<p>There has been no violation/allegation against our Company against fly ash dumping outside and no direction whatsoever mentioned by the Joint Committee during their visits. However, as a social commitment we alongwith other industries will fill clay or sand in the ash lying area on the North-Eastern direction under CSR.</p>
3	<p>Augment capacity of oil skimming:</p> <p>To further effectively remove oil and grease from effluent. The committee suggested the industries to enhance the capacity of oil skimming. The units have collectively agreed to install one additional skimmer for removal of oil and grease in ETP.</p>	<p>Oil skimmer has already been installed as a part of ETP process. However, to augment the capacity, extra oil skimmer has been provided for good separation of oil and greases as per the directions.</p>
4	<p>Disposal of spent nickel catalyst:</p> <p>The units have not disposed spent nickel catalyst to authorised pre-processors stating that the small quantity of waste is generated. The committee submits to Hon'ble NGT to instruct APPCB to direct the Industries to safely store the spent nickel catalyst and to dispose the same to</p>	<p>The quantum of spent nickel catalyst generation in our process is very minimal. However, we have segregated the storage of nickel catalyst and will dispose of periodically to the authorised vendors as mentioned in the Joint Committee report.</p>



	authorised pre-processors. The units shall be directed to comply with Hazardous Waste Rules, 2016 and shall dispose the hazardous waste as directed in the consent within 90 days period.	
5	<p>Maintenance of proper records for fullers' earth (by-product):</p> <p>The units shall maintain proper records for fullers' earth (by-product) generated and oil recovered from the ETP and its mode of its disposal. Though all units informed that the same were disposed for incense sticks manufacturer and soap industries, however no records were shown to committee.</p>	Records are being maintained as per the Joint Committee Report.
6	<p>Mineral Oil test:</p> <p>The units are importing crude palm oil and sunflower oil from Malaysia, Singapore and Indonesia. The port authorities are testing the crude oil for presence of any mineral oil and after ensuring that no mineral oil is present, the consignment is handed over to the units. While verifying the documents the committee observed that the quantity of the imported crude is around 60% to 70% of the unit production. The units are locally procuring crude oil from other industries (It was reported that these industries purchased palm and sunflower from farmers and extract crude and sell to edible oil refineries in Krishnapatnam). The crude that is locally purchased is not tested for the presence of mineral oil content or Hydrocarbons. The committee humbly submits to Hon'ble NGT that the units have to carry out mineral oil test with every batch of consignment locally procured also. These reports have to be submitted to APPCB alongwith their compliance report.</p>	This condition is being complied.
7	<p>Poor condition of public roads.:</p> <p>The public roads surrounding the industries are in very poor condition due to movement of heavy vehicles. M/s. Emami, M/s. Gemini</p>	We wish to state that the public roads are either under the KPT port or under Gram Panchayat and they need to maintain the same. However, we agree to undertake once off repair to certain roads leading to



	<p>and M/s. Adani Wilmar Units shall collectively construct new concrete roads as part of CSR activity. The units shall develop greenbelt all along the boundary of the units and in vacant spaces and ensure that the 33% of total area is covered with greenbelt. In addition, as a part of CSR activity the units can take up compensatory greenbelt in public lands.</p>	<p>our factory jointly with other units under CSR subject to approval from the authorised authorities.</p>
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Environmental Compensation:

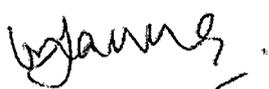
The matter of environmental compensation is pending with the Hon'ble NGT, Chennai and our submissions are under consideration for an appropriate adjudication. As and when the finality is reached in the said proceedings before Hon'ble NGT the same would be binding on us. Hence the demand for payment of environmental compensation at this stage does not arise as the same is sub-judice. Further the claim is only reiteration of the earlier demand and without consideration of the latest Report as to the fully compliance by our Company.

Bank Guarantee extension

This will be complied with as and when required.

Please take note of our above submissions on record and oblige by issuing appropriate orders and not to seek for enforcement of the subject order.

For and On behalf of:



(Subhendu S. Manna)

Gemini Edibles & Fats India Limited

(formerly known as Gemini Edibles & Fats India Private Limited)



adani wilmar

Date:03.10.2021

To,
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

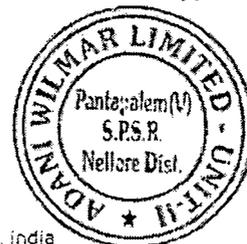
Respected Sir,

Subject: Seeking for the operation of the Order No. 149/APPCB/UH-II/TF/NLR/2018 dated 23/09/2021 to be kept in abeyance pending disposal of O.A. No. 221/2015 pending on the file of the Hon'ble National Green Tribunal, Southern Bench.

- Reference:**
1. Consent For Operation Order issued in favour of M/s. Adani Wilmar (Unit-II) on 19/03/2019
 2. Original Application No. 221 of 2015 filed by Ms. Isanaka Vedavathi before the Hon'ble National Green Tribunal, Chennai
 3. Order No.149/APPCB/UH-II/TF/NLR-2020-1813 dated 17.1.2020.
 4. Reply of M/s. Adani Wilmar Limited (Unit- II) with respect to aforesaid Letter dated 3rd March, 2020 sent via Email.
 5. Order dated 16/03/2020 passed by Hon'ble National Green Tribunal, Chennai in OA/221/2015.
 6. Task Force meeting Agenda dated 9th September 2020- Meeting with all Industries.
 7. Letter dated 09th October, 2020 M/s. Adani Wilmar Limited (Unit- II) replying to non-compliance highlighted in aforesaid Letter.
 8. Order No.149/APPCB/UH-II/TF/NLR/2019 dated 28.09.2020.
 9. Reply of M/s. Adani Wilmar Limited (Unit- II) dated 13th October, 2020 with respect to aforesaid order and also raising issue of illegal revocation of Bank Guarantee without giving any opportunity of hearing.
 10. Joint Committee Inspection on 13.10.2020 and 14.10.2020
 11. Compliance Report of M/s. Adani Wilmar Limited (Unit -II) submitted to Smt. Mahima.T.Gowda, Scientist, Member, Joint Committee.
 12. Joint Committee Report dated 01/12/2020
 13. Reply dated 18/02/2021 of M/s. Adani Wilmar Limited (Unit -II) to Joint Committee Report dated 01/12/2020
 14. Order dated 03/02/2021 passed by the Hon'ble National Green Tribunal, Chennai in OA/221/2015
 15. Joint Committee Report dated 10/08/2021
 16. Order dated 16/09/2021 passed by the Hon'ble National Green Tribunal, Chennai in OA/221/2015
 17. Letter dated 07/08/2021 issued by of M/s. Adani Wilmar Limited Unit-II addressed to the Central Pollution Control Board, Regional Directorate post Joint Committee Inspection on 29.7.2021 & 30.7.2021.
 18. Reply of M/s. Adani Wilmar Limited (Unit- II) dated 24/09/2021 to the report of the Joint Committee dated 10/08/2021
 19. Order No. 149/APPCB/UH-II/TF/NLR/2018 dated 23/09/2021, a copy of which was received by email on 29/09/2021.

Adani Wilmar Ltd
Survey No 1601
Village Pantapalem (Epuru15)
Sripottisriramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ:999PLC035320

Tel +91 8886641639/630
info@adaniwilmar.in
www.adaniwilmar.com



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Registered Office: Fortune House, Nr Navrangpura Railway Crossing, Ahmedabad 380 009, Gujarat, India

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Date:03.10.2021

To,
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

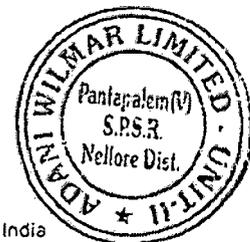
Respected Sir,

Subject: Seeking for the operation of the Order No. 149/APPCB/UH-II/TF/NLR/2018 dated 23/09/2021 to be kept in abeyance pending disposal of O.A. No. 221/2015 pending on the file of the Hon'ble National Green Tribunal, Southern Bench.

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 18. Reply of M/s. Adani Wilmar Limited (Unit- II) dated 24/09/2021 to the report of the Joint Committee dated 10/08/2021
 19. Order No. 149/APPCB/UH-II/TF/NLR/2018 dated 23/09/2021, a copy of which was received by email on 29/09/2021.

Adani Wilmar Ltd
Survey No 1601
Village Pantapalem (Epuru1B)
Sripottisriramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ1999PLC035320

Tel +91 8886641639/630
info@adaniwilmar.in
www.adaniwilmar.com



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1. This has reference to the Order dated 23/09/2021 (cited at Ref. 19) ('Order') issued by the Andhra Pradesh Pollution Control Board ('APPCB/You'), a copy of which was issued on 29/09/2021 to M/s. Adani Wilmar Limited (Unit- II) (hereinafter referred to as 'Unit'/'Company') vide email id: ronlr-ee1@appcb.gov.in belonging to 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.

2. The Order dated 23/09/2021 signed by your good office had directed the Unit to immediately pay the Environment Compensation ('EC') of Rs. 73,80,000/- within a week's time, and further set out several directions against the Company under Section 31(A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987 ('Air Pollution Act') and Section 33(A) of the Water (Prevention and Control of Pollution) Amendment Act, 1988 ('Water Pollution Act'). The Unit has preferred detailed objections to the Joint Committee Reports dated 01.12.2020 (in Reply dt. 18.02.2021) and Joint Committee Report dated 10.08.2021 (in Reply dated 24.09.2021), previous directions issued by APPCB, Inspections conducted by Joint Committee constituted by NGT, the submissions and replies by Unit in reference stated above may be treated as part of this reply, to the extent as may be applicable.

Order dated 23.09.2021 was received only on 29.09.2021

3. The Order dated 23/09/2021 had issued various directions the Unit, effective from 23.09.2021. However, the Order was received by the Unit only on 29.09.2021, under E-mail dated 29/09/2021 as mentioned above.

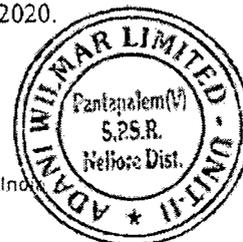
4. It is submitted that no adverse action may be initiated for a situation where the Unit was not even in receipt of the Order.

Order dated 23.09.2021 is premature & overlooks the fact that proceedings as mentioned in references of Order dated 23/09/2021 are sub-judice before Hon'ble NGT.

5. At the outset, without prejudice to the rights and contentions of the Unit in the ongoing proceedings in OA. No. 221/2015 before the Hon'ble NGT, it is submitted that the Order is premature even as it has directed the Unit to pay EC for alleged violations which are pending adjudication before the Hon'ble NGT.

6. The Order dated 23.09.2021 (received on 29.09.2021) had directed the Unit to pay EC of INR 73,80,000/- within a week, without regard to the fact that the very same issue is under dispute before the Hon'ble NGT in O.A. 221 of 2015 and that INR 7,50,000/- had been recovered by way of forfeiture of

Adani Wilmar Bank guarantee under Letter No. N/855/PCB/RO-N/16/2020-657 dated 07.10.2020.
 Survey No 1601 info@adaniwilmar.in
 Village Pantapalem (Epuru1B) www.adaniwilmar.com
 Sripottisriramulu, Nellore 524 323
 Andhra Pradesh, India
 CIN: U15146GJ1999PLC035320



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7. It is submitted that even earlier as well APPCB had forfeited Bank Guarantees in hurry after Task Force meeting on 09.09.2020 with all Industries, to which Unit had specifically replied to all compliances with status on 10.10.2020. The Bank Guarantees were forfeited after intimating to Bank about directions dated 28.09.2020 (Sl.no.8 in reference above) which does not contain any indication for forfeiting Bank guarantee. The Unit had responded to Task Force Meeting discussion held on 9th September and also to Directions issued on 28.09.2020 followed by Letter dated 13.10.2020 praying for not revoking the Bank Guarantee without any opportunity of personal hearing, but unfortunately at that time also no opportunity or response was received to any of the Letters and Bank Guarantee was forfeited. The Unit have taken this issue in reply to Joint Committee reports submitted by NGT and same is pending consideration before NGT. The Unit hereby submits that, it has regularly submitted compliance status in time to APPCB and was working under their instructions and directions.

On merits also, No EC is liable to be paid

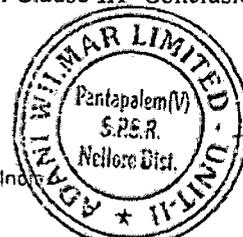
8. In addition to and without prejudice to the above, the Order dated 23.09.2021 is a culmination of proceedings initiated by Ms. Isanaka Vedavathi by way of OA. No. 221/2015 (cited at Ref. 2 above) which is pending on the file of the Hon'ble National Green Tribunal, Southern ('Tribunal'/'NGT') as on date. The OA 221 of 2015 is scheduled for hearing on 18.10.2021. It needs to be submitted that OA 221 of 2015 had raised main issue of discharge of water outside the factory against all Industries, but both the Joint Committee Report of December 2021 and August 2021 had clearly mentioned that during the inspection, the committee did not observe any discharge of effluent into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises.

9. The Unit has been arrayed as the 11th Respondent and the Unit has been contesting the proceedings by way of elaborate written submissions at each opportunity afforded by the Hon'ble NGT. As on date, the pleadings are pending consideration and adjudication by the Hon'ble NGT.

10. In such circumstances, the Order dated 23.09.2021 is premature & the direction to pay INR 73,80,000/- is unsubstantiated, especially when the interests of your good offices are sufficiently protected by virtue of the proceedings pending before the Hon'ble NGT. In addition to the above, no prejudice whatsoever would be caused in the event that the operation of the captioned Order dated 23.09.2021 is kept in abeyance pending final determination of the O.A. 221 of 2015, as the Unit has already provided bank guarantee which is valid till March 2022. Thus, it is prayed that no liability whatsoever may be fastened on the Unit pending a final decision on the OA 221 of 2015 more specially on directions to deposit the EC when the Joint Committee report dated 10th August 2021 specifically states in Clause-IX- Conclusions at

Adani Wilmar Ltd
Survey No 1601
Village Pantapalem (Epuru18)
Sripottisriramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ1999PLC035320

Tel: 91 888684 4359650
info@adanwilmar.in
www.adanwilmar.com



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Page.23 that "The committee submits to Hon'ble NGT to direct the units to pay Environmental Compensation to APPCB as summarized below".

Specific response to directions issued under the Order

11. A bare perusal of the Memorandum of Application in OA 221 of 2015 would reveal that there is no specific allegation levelled against the Unit. The Unit has regularly filed its response as to status of compliances to all direction and instructions given during physical inspections taken at the unit by APPCB or NGT Joint Committee and have never received any dissatisfaction or counter to any of the replies sent by the Unit. The Unit has filed their Counter Affidavit to the OA 221 of 2015. The Unit has filed their Objections to the Joint Committee's Report dated 01.12.2020 (in Reply dated 18.02.2021) and to the Joint Committee's Report dated 10.08.2021 (in Reply dated 24.09.2021), which are pending disposal as part of the OA 221 of 2015.

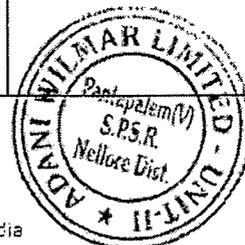
12. At the outset, the Order dated 23.09.2021 is in contravention of the principles of natural justice and the Unit is in the process of preferring legal remedies available under the applicable statutes. It is prayed that no further steps may be taken pursuant to the Order dated 23.09.2021 without first affording an opportunity of personal hearing to the Unit.

13. As far as the environmental obligations are concerned, the Unit has always remained compliant. In addition to response to Joint Committee Reports, Unit have been constantly updating APPCB regarding its compliance status. The Unit makes the following statements in respect of the directions issued by your good offices in the Order dt. 23.09.2021:

Sl.	Directions issued in Order dt. 23.08.2021	Compliance status	References
i.	The industry shall immediately pay the EC of Rs. 73,80,000/- within a week time.	The unit is contesting the levy of EC which is sub-judice before the Hon'ble NGT and same is also acknowledged in Joint Committee Report dated 11 th August, 2021 and Order of Hon'ble NGT dated 11 th August, 2021 wherein it is specifically states in Clause-IX- Conclusions at Page.23 that "The committee submits to Hon'ble NGT to direct the units to pay Environmental Compensation to APPCB as summarized below". This direction may be kept in abeyance until such time as the Hon'ble NGT disposes of the matter.	Unit is contesting all allegations forming the basis for levy and computation of EC.

Adani Wilmar Ltd
Survey No 1601
Village Pantapalem (Epurutis)
Sripottisriramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ1999PLC035320

Tel +91 8886641639/630
info@adanwilmar.in
www.adanwilmar.com

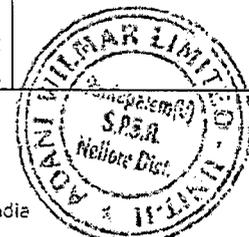


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Sl.	Directions issued in Order dt. 23.08.2021	Compliance status	References
		The criterion of levying EC is not as per guidelines issued by CPCB.	
ii.	The industry shall stop procurement of water from the outside agencies which was tapped in illegal manner. They shall meet water requirement from government authorized sources only.	<ul style="list-style-type: none"> ▪ That it is also acknowledged in Joint Committee reports that the available ground water resources are not sufficient to meet the industrial water requirements. It was submitted to Hon'ble NGT to direct the Andhra Pradesh Industrial Infrastructure Corporation (APIIC) and Department of Industries, Nellore to provide water supply to the industries. There are seven edible oil industries operating in Muthukur village, Krishnapatnam. This was common point for all industries. ▪ Recently, all Industries got the Permission letter from Nellore Municipal Corporation for drawing the water through the pipeline. Since laying pipeline will take time, industry propose to take water by tankers from Nellore till completion of proposed pipeline. All industries are working on this proposal to start to get the water by tankers on priority from Municipality. Parallely, the industries are also exploring other alternatives as suggested in joint committee report. A letter to that 	<ul style="list-style-type: none"> ▪ Ground B-Page 5 (Reply dt. 18.02.2021 to JC Report I) ▪ Paragraph 19, Page 17 (Reply dt. 24.09.2021 to JC Report II.)

Adani Wilmar Ltd
Survey No 150
Village Pantapalem (Eppurup)
Sripottisriramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ1999PLC035320

Tel +91 8865166700
info@adaniwilmar.in
www.adaniwilmar.com



Registered Office: Fortune House, Nr Navrangpura Railway Crossing, Ahmedabad 380 009, Gujarat, India

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Sl.	Directions issued in Order dt. 23.08.2021	Compliance status	References
		effect is also submitted by Krishnapatnam Edible Oil Association (A copy of Letters from Nellore Municipal Corporation and Krishnapatnam Edible Oils Refiner's Association are enclosed as Annexures A and B respectively).	
iii.	The industry shall store spent nickel catalyst safely until its disposal to the authorized re-processors and the unit shall comply with Hazardous Waste Rules, 2016 and shall dispose the hazardous wastes as directed in the consent within 90 days period.	<ul style="list-style-type: none"> ▪ The Unit has always been compliant and will continue to comply. ▪ No specific allegations against Unit. This was common point for all industries. 	<ul style="list-style-type: none"> ▪ Ground M.3.- Page 15 (Reply dt. 18.02.2021 to JC Report I) ▪ Paragraph 21.3- Page 20 (Reply dt. 24.09.2021 to JC Report II.)
iv.	The industry shall not discharge any treated/ untreated effluents into the Budhkaluva drain, Pantapalem irrigation channel or into land outside the industry premises.	<ul style="list-style-type: none"> ▪ The Unit has always been compliant and will continue to comply. ▪ No allegation against Unit. ▪ At page 23 of Joint Committee Report dated 10th August, 2021, it is specifically stated in para.4, at Cl. IX-Conclusions that, during the inspection, the committee did not observe any discharge of effluent into the Budhkaluva drain, Pantapalem irrigation channel or into land outside the industry premises. This was common point for all industries. 	<ul style="list-style-type: none"> ▪ Ground M.4.- Page 15 (Reply dt. 18.02.2021 to JC Report I) ▪ Paragraph 21.3- Page 20 (Reply dt. 24.09.2021 to JC Report II.)
v.	The industry shall maintain proper records for fullers earth (by- product) generated and oil recovered from the ETP and its mode of its disposal.	<ul style="list-style-type: none"> ▪ The Unit has always been compliant and will continue to comply. ▪ No specific allegation against Unit in Joint Committee report. This was common point for all industries. 	<ul style="list-style-type: none"> ▪ Ground M.5.- Page 15 (Reply dt. 18.02.2021 to JC Report I) ▪ Paragraph 21.5- Page 20 (Reply dt. 24.09.2021 to JC Report II.)

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Survey No 1601
Village Pantapalem (Epuru1B)
Sripottisriramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ1999PLC035320

Tel +91 8886641639/630
info@adaniwilmar.in
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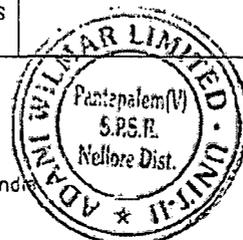
Registered Office: Fortune House, Nr Navrangpura Railway Crossing, Ahmedabad 380 009, Gujarat, India

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Sl.	Directions issued in Order dt. 23.08.2021	Compliance status	References
vi.	The locally purchased crude palm & sunflower oil is not tested for the presence of mineral oil content or Hydrocarbons. Industries shall test every batch of consignment and these reports have to be submitted to APPCB along with their compliance report.	<ul style="list-style-type: none"> This was common point for all industries. The Unit has always been compliant and will submit the report to APPCB as mentioned. 	<ul style="list-style-type: none"> Ground M.6.- Page 15 (Reply dt. 18.02.2021 to JC Report I) Paragraph 21.6- Page 20 (Reply dt. 24.09.2021 to JC Report II.)
vii.	The industry shall provide online AAQ monitoring station to measure PM10 in the surrounding villages.	<ul style="list-style-type: none"> This was common point for all industries. This is completely new point which was never raised in earlier reports submitted by Joint Committee nor in any of directions issued earlier. Unit shall be given some time to ensure compliance. As per Joint Committee reports of August, 2021, it was observed that the unit has installed online emission monitor system to measure SPM and is connected to APPCB server. The unit is complying with stack emissions and ambient air standards. As per Joint Committee reports of December, 2020, it was observed that the Unit has installed online emission monitor system to measure SPM and is connected to APPCB server. Last six months online data was verified, and unit is found complying. 	Paragraph 19-Page 20 (Reply dt. 24.09.2021 to JC Report II.)
viii.	The porthole provided to the stacks for manual monitoring shall not be utilized for online stack monitors. The units shall ensure that real time data is directly transferred from analyzer to APPCB server without any interface.	<ul style="list-style-type: none"> The Unit has always been compliant and will continue to comply. This was common point for all industries. No allegation against Unit. As per Joint Committee reports of August, 2021, it was observed that the unit has installed online emission monitor system to measure SPM and is connected to APPCB server. The unit is complying with stack emissions and ambient air standards. 	<ul style="list-style-type: none"> Ground M.10.- Page 16 (Reply dt. 18.02.2021 to JC Report I) Paragraph 21.8- Page 20 (Reply dt. 24.09.2021 to JC Report II.)

Adani Wilmar Ltd
Survey No 160
Village Pantapalem (Eproofe)
Sripottisiramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ1999PLC035320

Tel +91 8866011111
info@adaniwilmar.in
www.adaniwilmar.com



Registered Office: Fortune House, Nr Navrangpura Railway Crossing, Ahmedabad 380 009, Gujarat, India

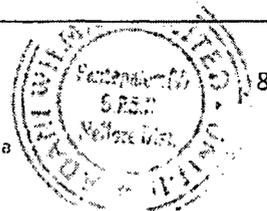
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Sl.	Directions issued in Order dt. 23.08.2021	Compliance status	References
		<ul style="list-style-type: none"> As per Joint Committee reports of December, 2020, it was observed that the Unit has installed online emission monitor system to measure SPM and is connected to APPCB server. Last six months online data was verified, and unit is found complying. 	
ix.	All industries to jointly compact the fly ash and to cover with minimum 10 cm clay / soil cover to prevent ambient dust.	<ul style="list-style-type: none"> This was common point for all industries. All industries have agreed to fill clay/ sand on the Ash lying on <i>northeastern</i> direction on private land, for the benefit of society and as part of their social responsibility. (A copy of Letters of Krishnapatnam Edible Oils Refiner's Association is enclosed as Annexure-B). 	<ul style="list-style-type: none"> Ground M.7.- Page 15 (Reply dt. 18.02.2021 to JC Report I) Paragraph 21.9- Page 21 (Reply dt. 24.09.2021 to JC Report II.)
x.	Public roads surrounding the industries are in poor condition due to movement of heavy vehicles. M/s. Emami, M/s. Gemini and M/s. Adani Wilmar Unit shall collectively construct new concrete roads as part of CSR activity.	Emami Agrotech Limited and AWL, Unit-II jointly have agreed to undertake activity of making approach road on priority provided we get necessary approvals in allocation of land area from District Collector, SPSR Nellore, General Manager, District Industry Centre (DIC) and Andhra Pradesh Industrial Infrastructure Corporation (APIIC). Andhra Pradesh Pollution Control Board and NGT may please give necessary directions for land clearance so that road making activity can be started on priority. We are also in touch with APIIC for the grant of land as per rules for laying road.	<ul style="list-style-type: none"> Ground M.12.- Page 19 (Reply dt. 18.02.2021 to JC Report I) Paragraph 21.10- Page 21 (Reply dt. 24.09.2021 to JC Report II.)
xi.	The industry shall develop green belt all along the boundary and in vacant spaces and ensure that the 33 % of total area is covered with green belt. In addition, as part of CSR activity the units can take up compensatory green belt in public lands.	<ul style="list-style-type: none"> The Unit has always been compliant and will continue to comply. Unit has developed 9 acres of green belt, with 4 acres are within the Unit's premises and compensatory plantation of 5 acres outside Unit's factory premises in nearby villages due to space 	<ul style="list-style-type: none"> Ground F- Page 13 (Reply dt. 18.02.2021 to JC Report I) Paragraph 21.10- Page 21 (Reply dt. 24.09.2021 to JC Report II.)

Adani Wilmar Ltd
Survey No 160
Village Pampadient (Epurut)
Sripo:tsirramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ1999PLC035320

Tel: +91 8866 8866
info@adaniwilmar.in
www.adaniwilmar.com

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wilmar**

Sl.	Directions issued in Order dt. 23.08.2021	Compliance status	References
		constraints at its unit. Joint Committee Report in its report dated 10 th August 2021 have not mentioned this as non-compliance, after clarification from AWL on 1 st Joint Committee report of December, 2020.	
xii.	The industry shall ensure that proper segregation of various types of hazardous wastes and provide provision with leachate collection.	<ul style="list-style-type: none"> ▪ The Unit has always been compliant and will continue to comply. ▪ The Joint Committee report dated 10th August, 2021 stated that 5.5 TPD of ATFD salts and ETP sludge are the hazardous wastes generated from the unit and stored in separate shed and disposed to Ramky TSDF, Nellore. 	▪ Ground C.2.- Pages 10-11 (Reply dt. 18.02.2021 to JC Report I)
xiii.	The industry shall ensure that the storm water drainage system as below: <ul style="list-style-type: none"> a) Entire effluent, including floor washings, spillages etc. shall be sent to the ETP through pipes. b) The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP. c) There shall not be any entry of contaminated wastewater into the storm water drains. 	<p>Unit is fully compliant with Point (a) and (b) as per 2nd Joint Committee Report. Unit will continue to comply.</p> <p>For point (c)- This is new point raised for the first time and Unit shall comply with the same.</p>	▪ Ground L.2.- Page 17 (Reply dt. 18.02.2021 to JC Report I)
xiv.	The industry shall scrupulously comply with all other recommendations made by the Joint Committee in its reports dated 1.12.2020 and 10.08.2021	Unit has installed silos with enhanced capacity for storing Fly Ash though this recommendation was subjected to review in the JC report dated 01.12.2020.	Paragraph 19.6- Page 18 (Reply dt. 24.09.2021 to JC Report II.)
xv.	The industry shall extend the existing Bank Guarantee for further period of one year.	Unit has already complied. The Bank Guarantee is valid till March, 2022.	Proof is enclosed as Annexure-C.

Adani Wilmar Ltd
Survey No 1601
Village Pantapalem (Epuru1B)
Sripottisriramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ1999PLC035320

Tel +91 8886641639/630
info@adaniwilmar.in
www.adaniwilmar.com



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14. Without prejudice to the generality of the foregoing paragraphs, the Unit reserves its right to respond in greater detail to each direction contained in the Order dated 23.09.2021 in accordance with the principles of natural justice, fairness, and equity.

15. It is prayed that the Order No. 149/APPCB/UH-II/TF/NLR/2018 dated 23/09/2021 may be kept in abeyance pending final determination of the O.A. 221 of 2015 failing which irreparable harm and prejudice would be caused to the Unit as no EC may be liable to be paid, as the unit has always stood in compliance with the extant laws and requirements.

16. It is therefore sought that, the operation of the captioned Order dated 23.09.2021 issued by APPCB may be kept in abeyance pending determination of the O.A 221 of 2015 in the interest of justice and equity.

Sincerely,

For Adani Wilmar Limited (Unit-II)


Authorised Signatory



Copy To

- a) The Andhra Pradesh Pollution Control Board,
D.No. 33-26-14, D/2, Near Sunrise Hospital,
Pushpa Hotel Centre,
Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010
- b) 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
- 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) Ms. Mahima.T. Gowda, Scientist-D
Central Pollution Control Board, Regional Directorate,
Chennai (Joint Committee Member constituted by NGT)
Email: mahima.cpcb@nic.in

Adani Wilmar Ltd
Survey No 1601
Village Pantapalem, Nellore Dist.
Sripottisriramulu, Nellore 524 323
Andhra Pradesh, India
CIN: U15146GJ1999PLC035320

Tel: 161 8836641518/630
info@adanwilmar.in
www.adaniwilmar.com

10

Registered Office: Fortune House, Nr Navrangpura Railway Crossing, Ahmedabad 380 009, Gujarat, India



3F INDUSTRIES LTD.

To

01-10-2021

The Member Secretary
APPCB,
Near Sunrise Hospital, Chalamalavari Street,
Kasturibaipet, Vijayawada.



Dear Sir.

Sub: PCB-HO-UH-II-TF- M/s. 3F Industries Limited (Formerly M/s. Foods Fats & Fertilizers Ltd.) Sy.No. 1604, Epuru 1-B, Pantapalem(V), Muthukur(M), SPSR Nellore District – The Hon' ble NGT (SZ), Chennai order dated 11-08-2021 in O.A. No. 221 of 2015 – Non-Compliance of Board Directions – Legal Hearing held on 07-09-2021 – Directions Reg.

Ref: 1. Order No.149/APPCB/UH-II/TF/NLR/2018 dated: 23-09-2021.

With reference to the above we bring to your kind notice that we are in the receipt of the above order on 01-10-2021 and contents noted. We submit that the industry has taken necessary pollution control measures and compliance status to paragraph 2 to 15 of the notice is as follows:

ABP
5/10/21

S.no.	Compliance Status As on 03.10.2021	Remarks
1		It is to be noted that OA No.221/2015 pending before the NGT and submitted that our objections to the final Expert Committee report, hence, keep is we assure you that we comply with the NGT orders, kindly keep pending the subject notice proceedings.
2	In Process	AP Govt promised to provide water at Door steps at the time of installation but not fulfilled commitment which forced us to take water from outside agencies. Recently Municipal Commissioner Nellore taken up this job with different proposals. Waiting for final DPR Report from Municipal authorities for Pipe line
3	Complied	Regarding the issue of 'Spent Nickel Catalyst' it is submitted that the unit is complying in proper storage and disposing of Spent Nickel catalyst to authorized re-processors only who are further selling to our unit. And the unit submitting all the records to the PCB authorities regularly.
4	Complied	Our unit never discharged treated or untreated effluents into the Budhakaluva drain, Pantapalem irrigation channel and into the

(Formerly Foods Fats & Fertilizers Limited)

Survey No. 1604, APIIC - IALA, Epuru 1B, Pantapalem Panchayat, Muthukur Mandal, SPSR Nellore Dist., A.P. India.

Pin Code - 524 323

Regd. Office : P.B.No. 15, Tadepalligudem - 534 101, A.P. India. Phone : +91 8818 222571 - 74 (PBX) 2 225 25 (D) Fax : +91 8818 222 1 72

CIN : U24120AP1960PLC000888

email Id : tpg@fff.co.in

website : www.fff.co.in

		land outside the industry premises. Our industry is land locked area surrounded with all neighboring lands belongs to local people.
5	Complied	Regarding to the issue of Fullers Earth and recovered oil from ETP it is submitted that the unit is maintaining all the records with respect to Fullers Earth and in disposing to the authorized Solvent Extraction plants & Incense stick manufacturers with proper invoicing and regularly submitting the records to PCB authorities.
6	In Process	APPCB given first time the direction vide order cited above of Submitting or Producing the mineral test results of the procured Crude Palm or Sunflower Oil either from domestic or from import to Regional Office, Nellore and we assure that we follow the same, in our own interest being a food processing industry.
7	Complied	We installed the online stack monitoring system on 21-04-2016 for the Boiler chimney for online monitoring of the flue gases the same can be observed online at any point of time, Apart from the stock monitoring system, The Industry is getting it done through 3 rd party for comparison and found always at par with the on-line stack monitoring. OCEMS installed in the stack connected to 35 TPH boiler and connected to APPCB Server.
8	Complied	We are not utilizing the porthole provided to the stacks for the purpose manual monitoring for online stack monitoring. We ensure you that real time data is directly transferred to APPCB Server without any interface.
9	In Process	3 F Industries is not responsible for the fly ash dumping. But entire area will be covered in 3 months' time on photographic evidence will be submitted
10	Complied	The fact remains that Development of Green Belt is a continuous process and so far, we developed around 33% of green belt in and around in the factory. We participated in Workshop on High Density Green belt at Vijayawada on 27.09.2019 Miyawaki method, conducted by APPCB, following this method of Miyawaki we further developed green belt in more than 1 acre land.
11	Complied	Septic tanks followed by soak pits are provided for treatment of domestic effluents. Our unit is fully equipped with all required ETP with filter presses followed by Aeration tanks, Clarifiers, RO, MEE and ATFD. We laid separate pipelines for transmitting effluent water from each process area to a common Fat Trap before coming into ETP area. The storm water drains are also connected to ETP being a ZLD plant however the rainwater is collected to water treatment plant for our industrial use.
12	Complied	It is further submitted that; we have installed 7 individual fat traps (Earlier it was 6 Fat Traps) covering all production blocks and from there the effluent is being transferred through individual pumps and pipelines to common fat trap located in the process area just before the ETP to segregate effluents transfers from the rainwater drains. The storm water drains are installed parallel to the roads and having provision to collect the rain water into raw water tanks apart from rain Harvesting System. And these are completely segregated.

		<p>Moreover, we bring to your notice that we have invested a substantial amount and improved all our ETP Operations by including the following equipment and through which there will be a further improvement in process parameters.</p> <p>Replace the Sludge Drying Beds with installing Two Plate and Frame Filters 2016.</p> <p>Enhancing the Aeration capacity to 200 KL.</p> <p>Improvements in 3rd RO System in 2017</p> <p>Replacing our previous MEE with Four Stage Forced Evaporation System along with ATFD in 2020.</p> <p>It is further submitted that, even though we have invested huge money on our ETP up gradations continuously ever since the beginning we further propose to invest of Rs. 400 Lakhs and we are upgrading our ETP as committed. However, for converting into continuous process and to improve our water conservation and utilizing in the process, we are now installing the following equipment in addition to the previous installations.</p> <p>Dissolved Air Flootation (DAF).</p> <p>Membrane Bio-Reactor (MBR).</p> <p>Further enhancing our Aeration Capacity to tackle any surge load during the rainy season for more than 200 kl effluent water.</p> <p>Volute Sludge dewatering unit (Sludge handling screw press).</p> <p>New 3rd RO Two Stage System for treated effluent water.</p> <p>Other required Pumps and Accessories.</p> <p>Upon suggestion of the Joint Committee to improve the ground water level which in turn help us for drawl of our own water from the ground we have taken immediate steps of constructing the Rain Water Harvesting pits in three numbers at non-operational area and completed. We will extend to construct the same further in other possible areas.</p>
13	Complied	Industry is scrupulously complying
14	In Process	The same will be complied after the final disposal of OA. 221 of 2015 pending on the file of National Green Tribunal.

As seen from the above compliance status, it is to submit that we have complied with the most of the directions, and request you to waive off the environmental compensation of Rs.1,10,06,000 /-(Rupees One Crore Ten Lakhs Six Thousand only) within a weeks' time, as

directed vide point No. 1 of the order cited in the reference. Further, it is submitted that our objections to the Environmental Compensation is pending before the NGT in OA No.221/2015 and we assure you that we comply with the NGT orders in this regard, once the orders are finalised.

Hence considering all the above compliance of pollution control measure, we hereby sincerely request you to drop the proceedings to collect the Environmental Compensation of Rs.1,10,06,000/- from our unit till further directions issued by the Hon'ble NGT, for which the act of kindness, we shall be grateful to you sir.

Thanking you.

For 3F Industries Ltd.

P. L. Van
Authorised Signatory



c.c to EE – RO – NLR

10/11/21, 8:26 PM

Email

Ch. Rajasekhar

RE: APPCB-RO-Nellore- M/s.Emami Agrotech Ltd , Nellore- Directions issued-Reg

From : narayana murthy <narayana.murthy@emamiagrotech.com>
Subject : RE: APPCB-RO-Nellore- M/s.Emami Agrotech Ltd , Nellore- Directions issued-Reg
To : Ch. Rajasekhar <ronlr-ee1@appcb.gov.in>

Mon, Oct 04, 2021 07:50 PM

2 attachments

Respected Sir,

Pl find enclosed here with Reply for below Issue .
 Kindly consider our views

MV Narayana Murthy
 Vice President (Operations) & Unit Head
 Emami Agro Tech Limited- Krishnapatnam
 Land line - +919642225543
 Website - www.emamiagrotech.in

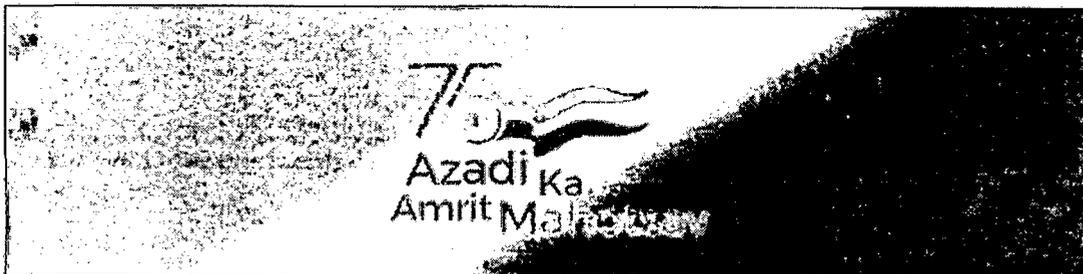


From: Ch. Rajasekhar <ronlr-ee1@appcb.gov.in>
Sent: 29 September 2021 16:54
To: M V Narayana Murthy <narayana.murthy@emamiagrotech.com>
Subject: APPCB-RO-Nellore- M/s.Emami Agrotech Ltd , Nellore- Directions issued-Reg

Sir,

Please find the attachment.

With regards
 Environmental Engineer,
 APPCB, RO, Nellore.



To,
The Member Secretary,
APPCB,
Vijayawada.

04.10.2021

Subject: Reply to your Notice dated 23.09.2021 in Order No. 149/APPCB/UH-II/TF/NLR/2018 received by email on 29.09.2021.

Sir,

We, Emami Agrotech Limited, a Company incorporated under the provisions of the Companies Act, 1956 and an existing company under the Companies Act, 2013 (hereinafter referred to as such or as "We" or "The Company") have received the above notice dated 23/9/21 by email on 29/9/21 and our response is as follows: -

It is submitted that, in Point no. 1 in the above referred notice, APPCB has directed M/s. Emami Agrotech Limited to remit a sum of Rs.1,32,50,000/- (Rupees One Crore Thirty Lakhs Fifty Thousand only) within a weeks' time. It is submitted that our objections to the Environmental Compensation is pending before the NGT in OA No.221/2015. Further, we undertake to comply with the final orders of the Hon'ble NGT on the same. Therefore, pending the hearing and in absence of any direction from NGT, we are not in a position to pay the same.

Further, the Company wish to submit its reply to the directions given in paragraph 2 to 15 of the notice. The response is as follows:

S. no.	Compliance Status As on 03.10.2021	Remarks

Direction No. 2	IN PROGRESS	AP Govt promised in G.O.Ms.NO.111, Industries & Commerce(IP) Department dated 30 th October, 2010. to provide water at Door steps at the time of installation but not fulfilled commitment which forced us to take water from outside agencies. Recently, Municipal Commissioner Nellore taken up this job with different proposals. Waiting for final DPR Report from Municipal authorities for Pipe line.
Direction No. 3	Complied	We are keeping the spent nickel catalyst safely and disposing separately and submitting details to APPCB. In our process we use Nickle Catalyst. So final disposal quantity is very nominal.
Direction No. 4	Complied	we are not discharging any Effluents outside our premises.
Direction No. 5	Complied	We are maintaining the proper disposal records for ETP oil sludge & Fullers Earth etc.
Direction No. 6	Complied	We are importing all Edible OIL Consignments after official clearance from Customs Dept / FSSAI Guideline only. We will submit reports to APPCB every 3 months.
Direction No. 7	IN PROGRESS	In the recent NGT committee report this point is raised. All the Edible oil industries in that locality are in the process to identify vendors and to conduct Viability study.
Direction No. 8	Complied	We have installed stack monitoring station to the 36 TPH boiler & Data transmission connected to the APPCB Server as well.

Direction No. 9	IN PROCESS	This point is raised by NGT committee recently. As committed to NGT Committee we are in a process along with other companies to execute this JOB.
Direction No. 10	IN PROCESS	This point is raised by NGT committee recently. AS committed to NGT Committee, we started process with District Industries DEPT / APIIC.
Direction No. 11	Complied	We developed green belt as per APPCB Norms.
Direction No. 12	Complied	We are segregating the ETP sludge & MEE Salts and disposing separately. Following leachate collection system strictly.
Direction No. 13	Complied	No contaminated water going to storm water drains. Strictly collecting at ETP Plant for process.
Direction No. 14	Complied	Industry is scrupulously complying
Direction No. 15	In Progress	Awaiting Reply from Member Secretary, APPCB on our Representation dated 25.08.2021 requesting reduction to the quantum.

Therefore, we request you to consider our reply and wait for the final decision of the honourable NGT as far as the environmental compensation is concerned and further request you to consider the compliances mentioned above.

Thanks & Regards

M.V. Narayana Murthy
Vice President (Operations) & Unit Head
Emami Agro Tech Limited
Krishnapatnam.



South India Krishna Oil and Fats Pvt. Ltd.

Plant :
Survey No. 275, 279, 280, 281, Eperu Bit-1B,
Pantapalem, Muthukur Mandal, Nellore - 524344
(Andhra Pradesh), India, Phone : +91 861 3982601/630
(CIN : U36100DL2009PTC194220)

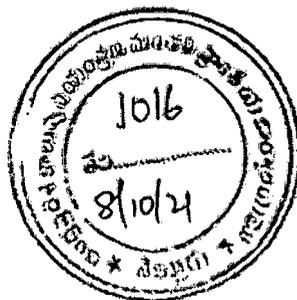


Ref: SIKOF/NLR/PCB/2021-130

07 October 2021

To,

SHRI VIJAY KUMAR GSRKR, IAS
Secretary To Government
Andhra Pradesh Pollution Control Board
D.No.33-26-14, 0/2, Near Sunrise Hospital
Pushpa Hotel Centre,
Chalamalavari Street,
Kasturibalpet, Vijayawada - 520 010



Handwritten signature and date:
A.P.S.
Di.
8/10/2021

Sir

Subject: Objection to Order No. 49/APPCB/UH-11/TF/NLR/2018 dated 23.09.2021 issued to South India Krishna Oil & Fats Pvt. Ltd. for purported "Non-compliance of Board directions - Legal hearing held on 07.09.2021 -Directions- Issued- Reg."

Ref.: (a) Order No. 49/APPCB/UH-11/TF/NLR/2018 dated 23.09.2021 received by us on 29 September, 2021.

(b) Objections dated 23.02.2021 filed on behalf of South India Krishna Oil & Fats Private Limited (The Unit) to the report of the Joint Committee dated 01.12.2020 in O.A. No. 221 of 2015 pending before the Hon'ble National Green Tribunal, South Zone.

(c) Objections dated 14.09.2021 filed on behalf of South India Krishna Oil & Fats Private Limited (The Unit) to the report of the Joint Committee dated 10.08.2021 in O.A. No. 221 of 2015 pending before the Hon'ble National Green Tribunal, South Zone.

1. We write to you on behalf of South India Krishna Oil & Fats Pvt. Ltd. (the Unit/ the Company) in reference to the subject Order No. 49/APPCB/UH-11/TF/NLR/2018 dated 23.09.2021 issued to South India Krishna Oil & Fats Pvt. Ltd. for purported "Non-compliance of Board directions - Legal hearing held on 07.09.2021 -Directions- Issued- Reg." issued by your good office and received by us on 29 September 2021.
2. The said directions have purportedly been issued under Section 33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Section 31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987 whereby, the Unit has inter alia been directed to pay environmental compensation (EC) of an exorbitant sum of INR 1,05,86,000.

Page 1 of 7

3. At the outset, it is submitted that the Unit is fully compliant with all existing applicable laws and standards prescribed by various pollution control regulatory bodies, including the APPCB, from time to time.
4. Having said this, your good office is well aware that O.A. No. 221 of 2015 is *sub-judice* before the Hon'ble National Green Tribunal, South Zone wherein, we have filed our objections to the findings contained in the two reports filed by Joint Committee dated 10.08.2021 and 01.12.2020, which are also pending consideration before the Hon'ble National Green Tribunal, South Zone. In fact, it has specifically been highlighted in our 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 filed by the Joint Committee. Your good office is aware that no rejoinder has been filed to the aforesaid objections filed by the Company to the aforesaid reports. Given that we have duly filed objections to the factual findings contained in the aforesaid reports, and the same is currently pending adjudication, the purported findings/ alleged observations contained in the reports cannot be taken on face value and as the true and correct position in order to justify the imposition of any liability/ penalty/ compensation on the Unit. As such, any act of imposition/ levy of EC in the absence of determination/ adjudication by the Hon'ble National Green Tribunal, South Zone is a brazen attempt to overreach the powers of the Hon'ble National Green Tribunal, South Zone and render the submissions of the Company infructuous and redundant.
5. In fact, on a bare perusal of the said objections filed on behalf of the Unit, it is apparent that the Unit is fully compliant with all existing applicable laws and standards prescribed by various pollution control regulatory bodies, including the APPCB and therefore, such EC has incorrectly been determined. It is pertinent to highlight that no liberty has been sought from the Hon'ble National Green Tribunal, South Zone prior to the issuance of the subject Order/ Directions dated 23.09.2021, despite the pendency of the O.A. No. 221 of 2015 before the Tribunal.
6. Further, despite the various submissions having been made by and on behalf of the Unit, the same have not been considered and the present directions/ Order appear to have been issued in a mechanical manner. Additionally, the basis for the imposition of such EC and the calculation thereof is also unclear. In view of the above factual position, we request you to kindly withdraw the aforesaid Order directing for payment of EC of an exorbitant sum of INR 1,05,86,000, passed by your good office.
7. Without prejudice to the above position, and fully relying thereupon, please see below our response to the specific directions contained in the subject Order:

Sr. No.	Direction	Our Response
I.	The industry shall immediately pay the EC of Rs.1,05,86,000/- within a week's time.	The Unit is fully compliant with all existing applicable laws and standards prescribed by various pollution control regulatory bodies, including the APPCB and therefore, such EC has incorrectly been determined.

Sr. No.	Direction	Our Response
		<p>Further, O.A. No. 221 of 2015 is currently <i>sub-judice</i> before the Hon'ble National Green Tribunal, South Zone wherein, we have duly filed objections to the factual findings contained in the aforesaid reports, and the same is currently pending adjudication, the purported findings/ alleged observations contained in the reports cannot be taken on face value and as the true and correct position in order to justify the imposition of any liability/ penalty/ compensation on the Unit. As such, any act of imposition/ levy of EC in the absence of determination/ adjudication by the Hon'ble National Green Tribunal, South Zone is a brazen attempt to overreach the powers of the Hon'ble National Green Tribunal, South Zone and render the submissions of the Company infructuous and redundant.</p>
II.	<p>The industry shall stop procurement of water from the outside agencies which was tapped in illegal manner. They shall meet water requirement through the surface water sources from government authorized agencies only.</p>	<p>The Unit is permitted to draw 360 KLD of saline water by the Ground Water Department, Government of Andhra Pradesh, however, as stated in the Report, The Unit does not actually draw borewell water for use in its process plants as it is not suitable for its manufacturing process.</p> <p>Recently, the Unit has received letter granting permission from Nellore Municipal Corporation for drawing the required water from the Sundaraiah Colony ELSR. Since laying of the pipelines will take time, the Unit is in discussion with other industrial units for arrangement of the filling station/infrastructure at the loading point of Nellore Municipal Corporation and water shall be transported to the end point by the Unit's transport/ tanker arrangements. Further, the Unit is also working with all other industrial units to explore various alternatives as well, as has been suggested in the joint committee report.</p> <p>It is pertinent to highlight herein that the Government authorised agencies need to ensure that the supply water source meets the quality standards (IS 10500:2012) and is suitable for the Unit's food manufacturing process.</p>

Sr. No.	Direction	Our Response
III.	The industry shall store the spent nickel catalyst safely until its disposal to the authorized re-processors. The industry shall dispose the waste within 90 days from date of generation and shall comply with other provisions of HoWM Rules,2016 for transportation and disposal.	<p>The spent nickel catalyst is generated in very small quantities and some portion of the spent nickel catalyst generated is re-used and the balance stored as per the Hazardous Waste Authorization Rules 2016.</p> <p>The spent nickel catalyst is also disposed of to the authorized agency/ TSDF as per the Hazardous Waste Rules 2016, as mentioned in our reply dated 15.07.2021 submitted to Regional Office, Andhra Pradesh Pollution Control Board, Nellore, wherein we have highlighted changing the disposal option as recyclable or incineration through TSDF on the APEMCL portal in view of non-availability of any registered re-processor on APEMCL portal.</p> <p>A Copy of the Manifest Form 10 indicating the recent disposed hazardous waste is enclosed with the Objections dated 23.02.2021 filed before the Hon'ble NGT.</p>
IV.	The industry shall not discharge treated/ untreated effluents into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises.	<p>The Unit does not discharge treated/ untreated effluents into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises.</p> <p>In fact, the Joint Committee Report dated 01.12.2020 specifically records in respect of the Unit, that <i>"During the inspection, the committee did not observe any discharge of effluent into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises."</i></p>
V.	The industry shall maintain proper records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of disposal.	<p>The Unit maintains proper records for spent earth (fullers earth) generation and disposal. These records have also been submitted to the APPCB in the CFO half yearly Compliance report enclosed with the Objections dated 23.02.2021 filed before the Hon'ble NGT.</p> <p>The records submitted to the APCB for spent earth (fullers earth) generation and disposal have also been enclosed with the Objections dated 23.02.2021 filed before the Hon'ble NGT.</p>
VI.	The industry shall maintain test results for mineral oil in	We are already in compliance with Food Quality testing of presence of mineral oil in in

Sr. No.	Direction	Our Response
	v/v% in the crude palm & sunflower oil procuring from indigenous sources and from the crude edible oil being imported from foreign countries. The proof of test reports for every consignment submitted to Food Quality Dept./ regulatory bodies shall be produced to Regional Office, Nellore for every 3 months.	the crude palm and sunflower oil procured from indigenous sources as well as the imported lots. Details of the same can be submitted to the Regional Office, Nellore, as has been proposed in your report.
VII.	The industry shall provide on line AAQ monitoring station to continuously monitor PM10, SO2 & other critical pollutants in the upward and cross wind directions at surrounding villages, in network with other edible oil industries	In terms of the advice to provide online AAQ in network with other edible oil industries, the Unit will discuss the same with other edible oil industries and submit an action plan jointly with the other industries in due course.
VIII.	The porthole provided to the stacks for manual monitoring shall not be utilized for online stack monitoring. The units shall ensure that real time data is directly transferred from analyzer to APPCB server without any interface.	The Unit has already complied with the observation under response and is continuously monitoring the online stack emission through permanent Porthole provided in Stack. In addition, the Unit has also deployed separate porthole for third party inspection (APPCB/ External agency).
IX.	The committee observed fly ash dumped towards North side of M/s. Emami Agrotech Limited. All the 7 nos of edible oil industries directed to jointly compact the fly ash and to cover with minimum 10 cm clay/ soil cover to prevent ambient dust. The compliance of the above shall be submitted to the Board within 15 days along with photographic evidence.	All industrial units have jointly agreed to fill clay/sand on the Ash dumped next to M/s Emami Agrotech Limited, for the benefit of society and as part of their corporate social responsibility initiatives. The Unit is in discussions with other industrial units and the aforesaid filling work is being accomplished at the earliest.
X.	The industry shall develop green belt all along the	The Unit is already undertaking CSR activities in the area nearby to its Unit. The compliance

Sr. No.	Direction	Our Response
	boundary and in vacant spaces and ensure that the 33% of total area is covered with green belt. In addition as part of CSR activity the units can take up compensatory green belt in public lands	with the development of the green belt having 33% coverage has already been complied with by the Unit. The same has also been included in the Half Yearly CFO Compliance Report submitted to the APPCB enclosed with the Objections dated 23.02.2021 filed before the Hon'ble NGT.
XI.	The industry shall ensure that proper segregation of various types of hazardous wastes and shall provide with leachate collection system and to route the run-off/ leachate to ETP for treatment.	The Unit has already complied with proper segregation of various types of hazardous wastes and has provided separate storage shed with lock and key control system. The Unit has provided Dyke wall system for all the storage places.
XII.	<p>The industry shall ensure that the storm water drainage system as below:</p> <p>i. Entire effluent, including floor washings, spillages etc. shall be sent to the ETP through permanent pipeline network laid above the ground level with appropriate color coding.</p> <p>ii. The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP. Implementation plan of action shall be furnished to the Board within 15 days.</p> <p>iii. There shall not be any entry of contaminated wastewater into the storm water drains</p>	<p>In respect of the storm water drainage system, the Unit is compliant, as specified below:</p> <p>i. The permanent pipeline network with appropriate color coding is already in place to transfer the entire effluent to the ETP (photograph attached for reference);</p> <p>ii. 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. Photograph attached for reference.</p> <p>iii. The Unit complies with the prescribed standards and accordingly ensures that there is no entry of contaminated waste water into the storm water drains.</p>
XIII.	The industry shall scrupulously comply with all other recommendations made by the Joint Committee in its reports dated 1.12.2020 and 10.08.2021	The Unit is compliant with all other recommendations made by the Joint Committee in its reports dated 1.12.2020 and 10.08.2021
XIV.	The industry shall extend the existing Bank Guarantees for further period of one year	The Bank Guarantee submitted by the Company is valid until 25.03.2022 and Unit will ensure further extension upon renewal, if necessitated.

8. In light of the afore-stated circumstances and specifically in view of the objections dated 23.02.2021 and 14.09.2021 filed by the Unit before the Hon'ble National Green Tribunal, South Zone, there exists no circumstance of any violation being committed on part of the Unit in terms of the findings of the Joint Committee, or even otherwise or at all. We hereby request you to take our response on record and not initiate any action/s against our factory/ unit under the provisions of the Air & Water Acts.
9. Therefore, it is humbly requested that your good office may be kind to peruse the various submissions made by the Company and consider the present reply on merits. Accordingly, the said directions for deposit of INR 1,05,86,000 under reference, may be revoked and no action may be initiated against the Company and its factory or unit.
10. The Company is further most willing to fully cooperate and assist the APPCB with regard to any further compliance or direction and requirement of any further data or logistic application in the Unit.

Yours faithfully

For South India Krishna Oil & Fats Private Limited


Authorised Signatory

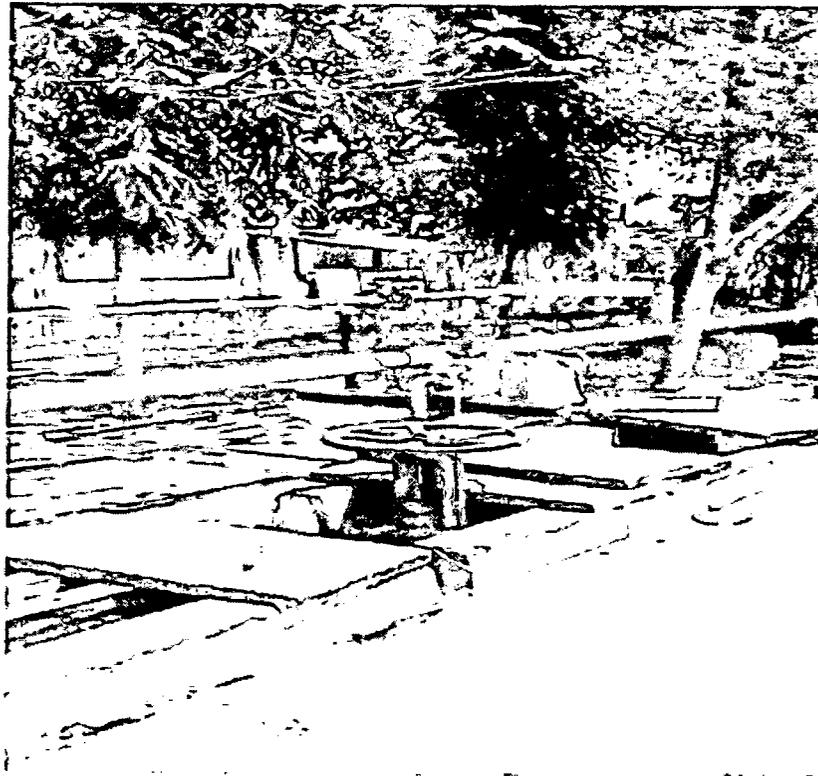


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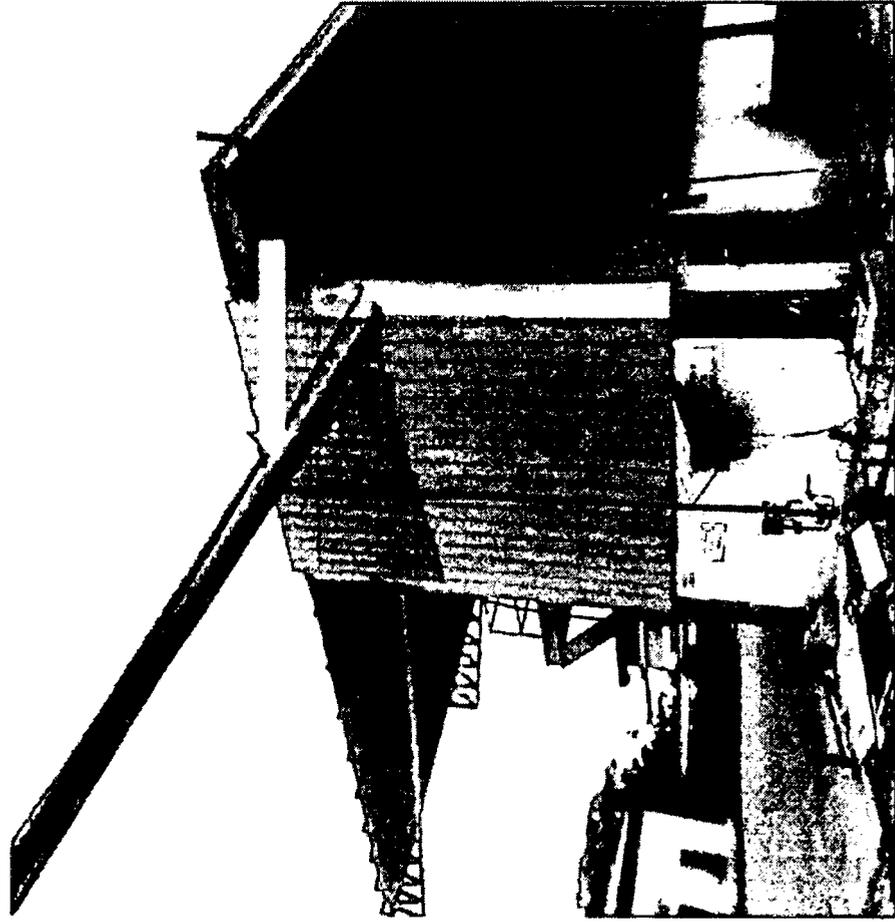
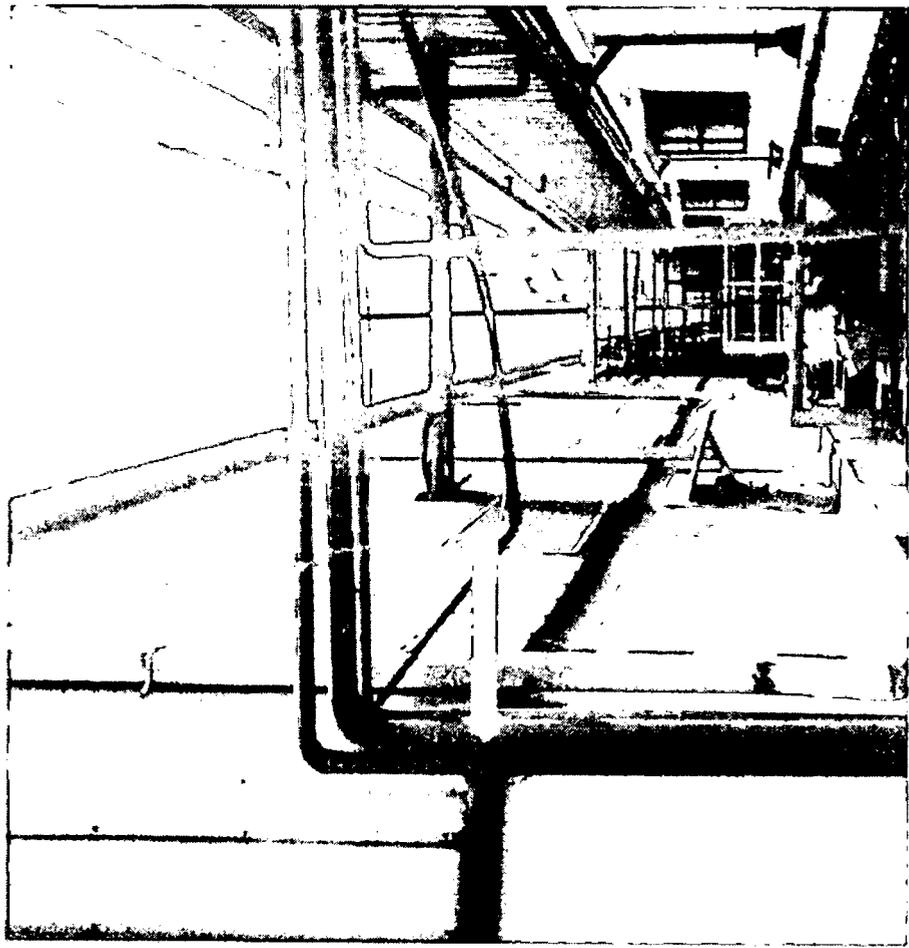
Copy to:

Mr M. Rajshekar
The Senior Environmental Engineer, UH-II

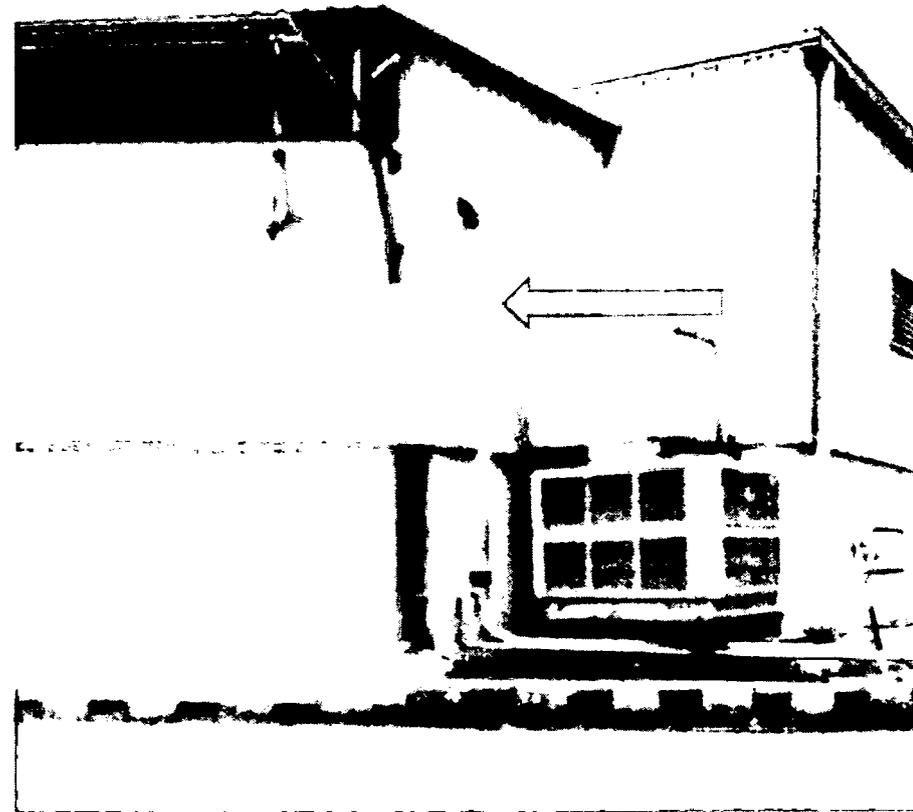
Storm Water Collection Pump



Permanent Pipe line & Color Code



Permanent Pipe line & Color Code



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

REPLY AFFIDAVIT FILED BY THE
11TH RESPONDENT
TO THE ACTION TAKEN REPORT
DATED 17.11.2021

M/s. Lakshmi Kumaran & Sridharan
Attorneys
Raghavan Ramabadran (E/1573b/2008)
P. Sridharan (E/10/2016)
A.Lawrence (E/1074/2008)
Mobile: 9941454954
court.mds@lakshmisri.com

Counsel for 11th Respondent