

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
CHENNAI.**

APPLICATION NO: 221 OF 2015

(Public Interest Litigation)

Between:

IsanakaVedavathi

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

Near Appolo Hospital,

Nellore-524 003.

.....Petitioner

Vs-

1. Union of India,

Rep by its Secretary,

Ministry of Environment, Forest and Climate Change,

III Floor, Prithivi Wing, Indira ParyavaranBhavan,

JorBagh, New Delhi-110003

& 10 others

.....Respondents

**OBJECTIONS TO THE COMMITTEE REPORT DATED 10.08.2021, FILED
BY THE 10TH RESPONDENT**

I, P. Srinivasa Rao, S/o Mr. P. Koteswara Rao, Hindu, aged about 55 years, having office at M/s. 3F Industries Limited (Formerly Foods fats & Fertilizers Ltd.) Sy.No. 1604, APIIC- IALA, EPURU 1-B Pantapalem (V) Muthukuru (M) SPSR Nellore Dist, have temporarily come down to Chennai and do hereby solemnly affirm and sincerely state as follows: -

1. I am the Plant Manager of the 10th Respondent herein and as such I am well acquainted with the facts deposed hereunder. I am competent to file this Affidavit and authorized to do so on behalf of the 10th Respondent.
2. It is submitted that one Isanaka Vedavathi had filed this OA.No.221/2015 with the following prayer:

"It is respectfully prayed that this Hon'ble Tribunal may be pleased to:

P. Srinivasa Rao


- (i) Issue an order of injunctin restarting the respondents 5 to 11 discharge the Edible oil Industrial effluents with contaminated water into the Irrigation channels and Drain channels in pantapalem Village, Muthukur Mandal , SPS Nellore District, Andhra Pradesh – 524323;
- (ii) Issue an order of direction directing the respondents 1 to 4 to remove industrial contaminated wastes and effluent water on the water channels which were discharged by the respondents 5 to 11;
- (iii) Issue a direction to remediate and restore the water channels, Agricultural fields and the water tanks to the original position due to water pollution and other environmental damages arising out of effluents released from the Edible oil refineries by the Respondents 5 to 11.
- (iv) Pass such further or other orders as this Hon'ble tribunal may deem fit and necessary in the interest of justice. "

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

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

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

4. I state that, according to the above order it is clear that the committee must have a senior scientist from APPCB. But, the Environmental Engineer from the Regional office of APPCB of Nellore was the third member of the Committee and he has signed the Report of the Joint Committee as the third member even though he was not a scientist. The same was objected to, vide our objections dated 16.02.2021.
5. I further submit that this Hon'ble Tribunal has mentioned the scope for the joint committee during their inspection, but it is to be noted that this Committee had inspected all the 7 industries in just one day. The committee's report only expressed the views of the third member i.e the Environmental Engineer from Nellore.
6. Further, in it's earlier report, the Joint Committee without properly noting down the compliances had imposed a penalty amount of Rs.75,50,000/ lakhs to this respondent. This Respondent after perusing the Report of the Joint Committee, had filed a detailed objections on 15/2/2021 to the Joint Report dated 1/12/2020. The same has not been looked into.
7. This Hon'ble Tribunal vide order dt 3/2/2021 had directed as follows:

"8. Other respondent units have not filed their objections to the committee report are directed to file their objections



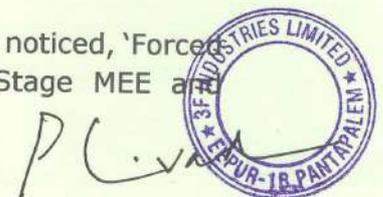
within a period of 15 (fifteen) days to this Tribunal by e-filing with a copy to the committee so that the committee can go into the objections and come with their findings on that aspect, apart from filing their further action taken report, after considering the objections to the findings arrived at by them to this Tribunal on or before 26.3.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules."

8. It is submitted that the Joint Committee in its report dt 10/8/21 has not given any findings to our Objections to its earlier report dt 1/12/2020. The orders of this Hon'ble NGT dt 16/3/20 with regard to a third member, who should have been an 'Environment Scientist from APPCB' and order dt 3/2/21 regarding 'findings to our objections' has not been complied by the Joint Committee.
9. It is further submitted that this Hon'ble Tribunal vide order dated 13.07.2021 had directed as follows:-
 - "3. The Learned Counsel appearing for the State of Andhra Pradesh submitted that they want some more time for filing the report as directed by this Tribunal on the basis of the objections received from the party respondents.***
 - 4. The matter is of the year 2015. However, considering the circumstances, we feel that some more time can be granted to the Committee to file the report as directed. The Committee is directed to submit the report on or before 11.08.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.***
 - 5. The Registry is directed to communicate this order to the members of the committee as well as official respondents for their information and compliance of the directions"***
10. I submit that, the Joint Committee had a meeting with us on 26.03.2021 through a Zoom conference to consider our Objections. The Joint committee also visited all the Respondents Industries on 29.07.2021 and 30.07.2021. I further submit that the joint committee did not consider our explanations/ objections during the time of Inspection, but mechanically proceeded to only note down the compliances. I further submit that these compliances were already in place when the Joint Committee had first inspected the Industries of



29.09.2020. Therefore it is clear that the joint committee was not in a position to appreciate our compliances and amend/ modify the earlier report dated 01.12.2020 even though the compliances were done much earlier.

11. It is further submitted that in the present report, the fine/compensation amount is mentioned as Rs.34,56,000/ lakhs in addition to Rs.75,50,000 lakhs mentioned in its earlier report, thereby totalling the amount to Rs.1,10,06,000/(Rupees one crore ten lakhs and six thousand only). It is humbly submitted that there has been a total non application of mind on the part of the Joint committee in the entire process despite full compliance by this respondent to the APPCB norms.
12. It is further submitted that a previous committee member who had signed the earlier report dated 10.12.2020 was also part of this committee and signed the present report dated 10.08.2021. This shows that the committee was not in a position to look into the objections since that would amount to accepting their errors/ mistakes to their earlier report dated 01.12.2020.
13. It is submitted that the Earlier objections dated 15.02.2021 submitted to this Hon'ble Tribunal to the report dated 01/12/2020 along with typed set of documents containing 150 pages was not at all taken into consideration by the Joint committee. Even though the joint committee had our objections on hand, still while submitting the report dt 10/8/21 to NGT, they have not considered even our objections anywhere that our objections were accepted or rejected. Further assuming that if the committee had decided to reject our objections, they should have give reasons for the same in the Report dated 10.08.2021.
14. With reference to Page No.17 of the Joint Committee Report regarding 'Effluent Generation', it is submitted that, that the Effluent generation is well within the standards and within the limits as specified in our CFO. The Industry following Biological treatment followed by RO and MEE. The Biological treatment is a continuous process, and the operation cannot be stopped. On the inspection day also, it was in operation. During the inspection day all the plants including ETP, MEE (Multi Effect Evaporator), ATFD (Aeration Thin Film Drier), 3rd RO were under operation and the committee had very well observed, witnessed and checked the flow meter readings. The committee also witnessed the continuous falling of salts from the ATFD physically.
15. It is further submitted that, earlier the Committee noticed, 'Forced Evaporation System' has been replaced with Five Stage MEE a



commissioned in the year 2020. Whenever there is a chemical oil processing we are operating the MEE. But however, our chemical refining process is very limited.

16. 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 and since there was no rain on inspection day it was witnessed that all the storm water drains were in complete dry condition.
17. The spillage of oil was observed mainly in our tank farm area where large number of pumps were under operation. The oil spillages were due to pump seal leakages etc. The entire Tank Farm is built on the concrete floor, with through proper concreted drainage system and connected to Fat Traps. The entire Tank Farm is covered with dyke wall peripherally.
18. Regarding to the issue of 'On Line Stack Monitoring System', we have installed the online stack monitoring system on 21-04-2016 for the Boiler chimney for online monitoring of the flue gases. Apart from the stack monitoring system. The Industry is getting it done through 3rd party for comparison and found always at par with the on-line stack monitoring, moreover APPCB is continuously monitoring through on-line and physically checking at site in continuous intervals. During the inspection day the committee has not highlighted or raised anything on the subject matter and in the report also comments have not been mentioned. We have taken all measures to control dust, air pollution by installing required equipment like ESPs, Bag Filters to Boilers and Dust Collectors. Hence there are no objections in this issue.
19. Regarding the issue of 'Hazardous waste' mentioned in Page No.18 of the report of the Joint Committee Report, the same is compiled with and therefore there is no objections and response on this issue. We are disposing the Hazardous Waste frequently to the authorized TSDF without keeping stock at the premises of the industry.
20. Regarding the issue of 'Augment capacity of oil skimming', mentioned in point no.3, page no.20 of joint committee report, it is submitted that we are installing an advanced version of the skimmer for the removal of suspended matter such as oil or solids through DAF System. This is more effective process for removing of the oil floating on the surface of the DAF through a inbuilt skimming device. The collected solids and floating oil will be taken to Volute Sludge dewatering unit (Sludge handling screw press) and received in complete dry form.
21. Regarding the issue of 'Spent Nickel Catalyst' mentioned in para 3 of page 21 of the Joint Committee Report, 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.
22. Regarding to the issue of 'Fullers Earth' mentioned in para 5 of page 22 of the Joint Committee Report, it is submitted that The unit is

maintaining all the records with respect to Fullers Earth and in disposing to the authorised Incense stick manufacturers with proper invoicing and regularly submitting the records to PCB authorities.

23. It is submitted that, even though we have invested huge money on our ETP up gradations continuously ever since the beginning we further propose to invest and we are upgrading our ETP as committed. However for converting into continuous process, in this regard, we are now installing the following equipments in addition to the previous installations.

1. Dissolved Air Flootation (DAF).
2. Membrane Bio-Reactor (MBR).
3. Further enhancing our Aeration Capacity to tackle any surge load during the rainy season for 350 KL effluent water.
4. Volute Sludge dewatering unit (Sludge handling screw press).
5. 3rd RO Two Stage System for treated effluent water.
6. Other required Pumps and Accessories.

The installation of the above equipments have been completed by 31/8/2021 and it will be commissioned by end of September'2021.

24. This respondent submits a comparison chart an as annexure to this objection which would demonstrate the non application of mind by the Joint committee.

25. This Respondent further submits that we are operating our plant in conformity with the norms of Pollution Control Board from time to time, making improvements as per 'Consent for Operation' issued by APPCB after due verification of the plant periodically. In the said CFO's, it is disclosed that we are having proper ETP and is being operated properly. The observations made in report dt.10.08.2021, are denied as factually incorrect and imposition of fine is also on an erroneous basis and highly excessive. To substantiate our contention, we are submitting a copy of CFO given by APPCB.

26. It is further submitted that, the photographs depicted in the report are not connected with EPT operations. The photographs shown in the report are drains of waste materials leads to EPT plant for effluent treatment which cannot be taken into consideration as violative of pollution control norms prescribed under SOP's of Pollution control authorities. Our ETP plant is running continuously and treating effluents. In support of our contention, we are submitting flow charts, meter readings, etc.



For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to reject the joint committee's report and set aside the fine amount of Rs.1,10,06,000/- levied without any basis and pass such further order or orders that this Hon'ble tribunal deems fit for the facts and circumstances of the case and thus render justice

Dated at Chennai on this the 7th day of Septemeber, 2021

Respondent No.10

Annexure

1. Comparison Chart



S.no	JC Report dt 1/12/2020	Response/objections of R-10 - 3F	JC Report dt 10/8/21	Response to the recent JC report
1	Pg. 34 Para g reg Production Capacity.	In Page 2 para 7, Compliance has been recorded by the committee no response in this issue	In page 16, Complying	Complying as per JC report no objections and response on this issue.
2	Pg. 34 Para h reg coal and Fly Ash Measures. Insufficient ash storage for 2 days as against APPCB norms of 30 days	In Page 3 Para 8, no necessity to arrange for 30 days storage as ash will be loaded directly into the trucks from silos which will be sent to brick industries from time to time at free of	In page 16, Complying	Complying as per JC report no objections and response on this issue.



		cost without further stocking		
3	Pg. 34 Para i reg Source of water and quantity of water used per day. Entire water requirement of 663 KLD is met from Tankers	In Page 3 Para 9, The ground water is completely saline, and the industry can only draw the shallow water from the upper level of ground. The Industry for the time being is purchasing water through tanker lorries.	Not mentioned in the compliance report	-
4	Pg. 34 Para j reg Effluent Generation On the day the inspection, it was observed that ETP was not in Operation And there	In page 4 para 10, The fact remains that Effluent generation is well within the standards and within the limits as specified in our CFO. From table VI.g 1	In page 17, Improvements observed but yet to comply.	The Industry has 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



	were a lot of temporary arrangements	Analysis results of samples collected by APPCB during 23/06/2020 indicates that the ETP_ Effluents are meeting the standards and in operation.		before the ETP to segregate effluents transfers from the rainwater drains The fact remains that Effluent generation is well within the standards and within the limits as specified in our CFO. On the day of inspection our ETP is in operation, including MEE, ATFD, 3 rd Ro system and Biological system.
5	Pg. 35 Para k reg installation of magnetic flow meters with totalizer. Flow meters with totalizers at ETP inlet, MEE inlet and outlet	In page 5 para 11, Industry has installed the required magnetic flow meters to measure the inward and outward flow of the effluents and the industry is maintaining the records simultaneously and submitting the copies of	Not mentioned in the compliance report	The Industry has installed the online stack monitoring system on 21-04-2016 for the Boiler chimney for online monitoring of the flue gases.

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		the records to the PCB authorities in regular intervals		
6	Pg. 35 Para L reg Air Pollution Sources and type of APCDs, status of stack, porthole, OCEMS installation, location. Unit not complying with stack emissions and ambient air standards. Odour problem was also observed in the industry	In page 5 para 12, according to Table.VI. g. 2 which records Stack monitoring by APPCB, according to the report dated 23-06-2020 is within the prescribed limit as per the standard and the same can be observed online at any point of time.	In page 17, Improvements observed but yet to comply	The Industry has installed the online stack monitoring system on 21-04-2016 for the Boiler chimney for online monitoring of the flue gases. During the inspection day the committee has not highlighted or raised anything on the subject matter and in the report also comments have not been mentioned. We have taken all measures to control dust, air pollution by installing required equipment like ESPs, Bag Filters to Boilers and Dust Collectors. Hence there are no objections in this issue.



7	Pg. 36 Para m reg Status of Installation of Online stack monitoring equipment	In Page 8 Para 13, Same is compiled as per the report and therefore, there are no comments.	Not mentioned in the compliance report	-
8	Pg. 36 Para n reg status of green belt . Not complying with the 33% Norm.	In Page 8 Para 14, total land acquired is around 12.89 acres, out of which the green belt developed is around 4.3 acres = 17,400 sqm, which is more than 33% as per APPCB standards	Not mentioned in the compliance report	-
9	Pg. 36 Para o reg hazardous waste generation. Quantity of sludge generated is very less and sludge is	In page 9 para 15, The average monthly processing of Chemical Refining in 962 MTs only which is far below the approved production	In page 18, Complying	As per the report of the Joint Committee compiled and therefore there is no objections and response on this issue. The industry is disposing the Hazardous Waste frequently to the authorized TSDF

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	not properly disposed	capacity of 3000 MTs as per the CFO		without keeping stock at the industry.
10	Pg. 36 Para p reg Actions taken by APPCB during last one year.	In Page 9 Para 16, Rs. 10 Lakh was debited on 28-09-2020 is without any notice by APPCB in a hurried manner prior to the inspection of NGT Committee that too without taking any note of the compliances	Not mentioned in the compliance report	-
11	Pg. 36 reg Overall Compliance Status	In Page 9 Para 17, Sludge is drained from the clarifier for further disposal after draining, which is further processed through filters	In page 18, The Board has levied an EC of Rs. 34,56,000 for the period of	In addition to the already existing fine of Rs. 75,50,000, an additional Environmental Compensation of Rs. 34,56,000. We pray to the Hon'ble NGT to Set aside this compensation.



	<p>Online stack monitoring system installed and aligned with APPCB server and this can be real time monitored</p> <p>Overall production capacity remained the same</p> <p>Regarding the compensation amount. The industry as complied with the joint committee report, the fine amount imposed on the industry is without any basis and the same can be set aside by this Hon'ble Tribunal</p>	<p>non-compliance between 14.10.2020 and 29.07.2021. And the total EC needed to be paid by the industry to APPCB is Rs. 1,10,06,000/-</p>	
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P. C. [Signature]

