

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

ORIGINAL APPLICATION NO. 221 OF 2015 (SZ)

IN THE MATTER OF:

ISANAKA VEDAVATHI

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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Dated at Chennai on this the 24th Day of January 2022

RESPONDENT NO. 8

THROUGH

Aparajitha Vishwanath
APARAJITHA VISHWANATH
15/6 DEIVASGAMANI ST
ROYAPETTAH-14

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

Be
Authorised Signatory.

|

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

BETWEEN

Isanaka Vedavathi,

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

... Applicant

AND

1. Union of India

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

... Respondent No. 1

2. Andhra Pradesh Pollution Control Board

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

... Respondent No. 2

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

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

... Respondent No. 3

**4. Andhra Pradesh Pollution Control
Board**

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

... Respondent No. 4

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

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

... Respondent No. 5

6. M/s.Saraiwwalaa AGRI Refineries Ltd

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

... Respondent No. 6

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


Authorised Signatory.

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

**OBJECTIONS TO THE REPORT OF THE ANDHRA PRADESH POLLUTION
CONTROL BOARD DATED 13.12.2021 ON BEHALF OF RESPONDENT
NO. 8, SOUTH INDIA KRISHNA OIL AND FATS PRIVATE LIMITED**

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

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

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


Authorised Signatory.

2. That I have been duly authorized to sign and affirm this affidavit for and on behalf of the Respondent No. 8 in the abovementioned matter and as such am competent to sign and affirm this affidavit on behalf of the Respondent No. 8.
3. That I have read the contents of the report of the Andhra Pradesh Pollution Control Board dated 13.12.2021. I have understood the true meaning of its contents, scope, purport and effect thereof.
4. The Hon'ble Tribunal had vide its Order dated 22.12.2021 directed the Respondents in the captioned proceedings to file their objections to the Report. The same have been set out in the paragraphs appearing hereinafter.
5. I say that the present OA No. 221 of 2015 has been filed alleging the discharge of effluents by edible oil refineries set up in Krishnapatnam Port region wherein the South India Krishna Oil & Fats Pvt. Ltd., has been arrayed as Respondent No. 8. However, the Applicant in OA No. 221 of 2015 has not taken any steps to pursue the said application matter and has not even been appearing in the matter since several years, as has also been recorded in the order dated 16.03.2020 passed by the Hon'ble Tribunal in the said OA No. 221 of 2015
6. In the above circumstance, a Joint Committee was appointed by this Hon'ble Tribunal to look into the matter. The said Joint Committee has inspected inter alia the Respondent No. 8's Unit and has filed reports before the Hon'ble Tribunal. At the outset, it is submitted that the Respondent No. 8 Unit is fully compliant with all existing applicable laws and standards prescribed by various pollution control regulatory bodies, including the Ld. APPCB. This is also corroborated by the fact that even the reports of the authorities demonstrate substantial compliance and the alleged non-compliance pointed out are neither directly attributable nor relatable to Respondent No. 8 and is based on assumptions. The Respondent No. 8 has also filed objections by

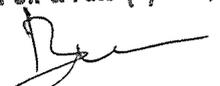
For South India Krishna Oil & Fats (P) Ltd.,


Authorised Signatory

way of affidavits dated 23.02.2021 (in respect of the report of the Joint Committee dated 01.12.2020); 14.09.2021 (in respect of the report of the Joint Committee dated 10.08.2021) and 14.12.2021 (in respect of the report of the Joint Committee dated 20.11.2021 and report of the APPCB dated 17.11.2021).

7. The Andhra Pradesh Pollution Control Board subsequently filed an action taken report dated 13.12.2021 setting out compliance status of the various industries of the Board directions dated. 23.09.2021.
8. I say that in the said report, the Andhra Pradesh Pollution Control Board has failed to consider all the objections raised by the Respondent No. 8 vide affidavits dated 23.02.2021 (in respect of the report of the Joint Committee dated 01.12.2020), 14.09.2021 (in respect of the report of the Joint Committee dated 10.08.2021) and 14.12.2021 (in respect of the report of the Joint Committee dated 20.11.2021 and report of the APPCB dated 17.11.2021) as also the submissions of the Respondent No. 8 dated 10 December 2021 containing an update on the status with respect to the points raised in the Order No. 49/APPCB/UH-11/TF/NLR/2018 dated 23.09.2021 issued to the Unit submitted to the Andhra Pradesh Pollution Control Board.
9. I say that in the said submissions, the Respondent No. 8 has not only disputed the assessment of purported EC by the Joint Committee, but has also objected to the wrongful and unilateral encashment of Bank Guarantee deposited by the Respondent No. 8 by the Ld. APPCB to the extent of INR 10,00,000, in view of the purported observations contained in the Order No. 149/ APPCB/UH-II/TF/NLR/2019 dated 28.09.2020, in its objections dated 23.02.2021. The Respondent No. 8 has categorically also disputed the findings by referring to and relying upon relevant facts and supporting evidence which remains uncontroverted by the Respondent authorities till date. Consequently, the contents of the present action taken report dated 13.12.2021 are disputed by the respondent No. 8 and the arbitrary and

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


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whimsical assessment of purported EC has been specifically disputed by the Respondent No. 8.

10. Specific responses to the contents of the action taken report dated 13.12.2021 filed by the Andhra Pradesh Pollution Control Board have been set out hereinbelow

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 (@ page 16-18) of the action taken report dated 13.12.2021.

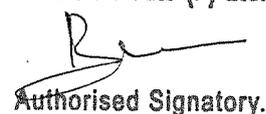
Sl. No.	Direction	Compliance	Respondent No. 8 Remarks/ Objections
1	The industry shall immediately pay the EC of Rs.1,05,86,000/- within a week time.	The Hon'ble NGT vide order dated. 24.11.2021 issued directions to the APPCB to keep the direction to pay the compensation in abeyance till next hearing date.	-
2	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.	Not complied. The industry is still procuring the water from the outside agencies which was tapped in illegal manner. The APPCB vide Ir. dated. 18.11.2021 requested the Collector & District Magistrate, SPSR Nellore district to direct the concerned officials / Departments to stop illegal drawl of water from bore wells, who are supplying water to the edible oil industries in Muthukur Mandal, SPSR Nellore district to prevent ground water depletion in the area. The Collector & District Magistrate strictly directed to the Revenue and Panchayath-raj departments to take immediate action. Subsequently, the industries requested the Nellore Municipal Corporation to provide water. The edible oil industries association Vide Ir.dated.07.12.2021 issued consent to the Corporation to prepare DPR for laying of pipeline for supply of water.	The APPCB has failed to consider the various submissions of the Unit. 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. 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

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


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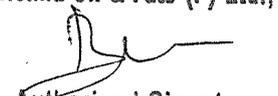
			<p>has been suggested in the joint committee report.</p> <p>It is pertinent to highlight herein that the Government authorised agencies need to ensure that the supply water source meets the quality standards (IS 10500:2012) and is suitable for the Unit's food manufacturing process.</p> <p>On 07 December 2021, Krishnapatnam Edible Oil Refineries Association has submitted letter to the Municipal Commissioner regarding the Details project report (DPR) for laying pipeline from Nellore Corporation to Edible Oil Cluster.</p>
3	<p><i>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.</i></p>	<p><i>The industry is storing spent nickel catalyst in separate closed room until its disposal.</i></p>	<p>The Unit is already compliant.</p> <p>The APPCB has failed to consider the various submissions of the Unit that 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. 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>

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


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4	The industry shall not discharge treated/ untreated effluents into the Budhakaluva drain, Pantapalem irrigation channel or into land outside the industry premises.	Complied.	-
5	The industry shall maintain proper records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of disposal.	Complied.	-
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.	Complied. The industry is importing crude edible oils and carryout mineral oil test through third party. At Present, the industry is not procuring crude edible oil locally.	
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.	Not Complied	It has been clarified by the Krishnapatnam Edible Oil Refiners Association (Association), of which Respondent No. 8 is a member, in their letter dated 18 January 2022 that the members of the Association "have already purchased this equipment and have decided to install at Pantapalem by 28/2/2022." A copy of the letter dated 18 January 2022 issued by the Krishnapatnam Edible Oil Refiners Association has been enclosed herewith and marked as ANNEXURE 1.
	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.	Complied	

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


Authorised Signatory.

9	<p>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</p>	<p>The Krishnapatnam Edible Oils Refiners Association has issued purchase order to cover the area with sand/ Granular Sub Base (GSB) by 28.02.2022 vide P.O. dated. 22.11.2021.</p>	<p>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 work related to covering the said area has already been assigned to the specific vendor and is in process. Photographs of the Sand Levelled in Ash Dumped area near M/s. Emami Agrotech Limited have been annexed herewith and marked as ANNEXURE-2.</p> <p>Further, it has been clarified by the Association in their letter dated 18 January 2022 issued to the NGT Committee that the Association has taken up this job collectively and almost 80 % work also completed. Recently, NGT committee had visited the site and expressed their satisfaction also. Remaining work also will be completed by 28/2/2022.</p>
10.	<p>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.</p>	<p>Complied. The total area of the industry is about 16.12 Acres. The industry has to develop green belt in an extent of 5.3 Acres . The industry has developed green belt in an extent of about 3.0 Acres inside the plant.. The industry has purchased 4.9 acres of land towards South side and developed green belt in about 3.2 acres as compensatory green belt.</p>	-
11	<p>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.</p>	<p>Complied. The industry stored the hazardous wastes in a closed shed with leachate collection system.</p>	-
12	<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</p>	<p>Complied.</p>	

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


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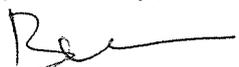
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	<p>network laid above the ground level with appropriate color coding.</p> <p>ii. The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP. Implementation plan of action shall be furnished to the Board within 15 days.</p> <p>iii. There shall not be any entry of contaminated wastewater into the storm water drains.</p>	<p>The industry is routing the 1st flush of the storm water into the storm water drains and provided 2 nos of pumps in the storm water drain to transfer to the ETP.</p> <p>Complied.</p>	<p>The Unit is already compliant and has made various submissions indicating that 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.</p>
13	<p>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</p>	<p>Partially Complied. The industry complied with the issues pertaining to the individual industry but not yet complied with the directions pertaining to the all units such as rain water, clay / soil cover over the ash dumped in the vacant area, CAAQM station in the nearby village.</p>	<p>The Unit is already compliant . The specific points regarding raw water / ash dumped in vacant area, CAAQM station are specifically replied above.</p>
14.	<p>The industry shall extend the existing Bank Guarantees for further period of one year.</p>	<p>The industry has submitted bank guarantee for Rs.34.5 Lakhs which is valid upto 25.03.2022.</p>	-

11. I say that the action taken report dated 13.12.2021 filed by the Andhra Pradesh Pollution Control Board does not consider all objections and submissions repeatedly filed by the Respondent No. 8 and is a bald restatement of the unsubstantiated recommendations of the Joint Committee directing payment of EC as determined by the Joint Committee. The Ld. Andhra Pradesh Pollution Control Board has proceeded mechanically in praying for directions for payment of exorbitant Environmental Compensation (EC).

12. I say that the act of imposition/ levy of EC in the absence of determination/ adjudication by this Hon'ble Tribunal, is misconceived and unwarranted and a brazen attempt to overreach the powers of the Hon'ble Tribunal and render the submissions of the Applicant in its submissions filed before the Hon'ble Tribunal, infructuous and redundant. It is submitted that the Applicant has established a prima facie case of compliance with the routine directions issued by the relevant authorities and hence the Order dated 23.09.2021 is

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


Authorised Signatory.

unwarranted. Needless to mention, the Order dated 23.09.2021 is inextricably linked to the OA 221 of 2015 and the outcome the OA 221 of 2015 has a bearing on the Applicant's stand on merits of the matter and determination of any alleged liability to pay EC, if at all.

13. I therefore submit and pray that the recommendation of imposition of EC as set out in the action taken report dated 13.12.2021 filed by the Andhra Pradesh Pollution Control Board is without any basis whatsoever and must be dismissed at the threshold, as against the Respondent No. 8.
14. I pray that the Respondent No. 8 may be permitted to file additional submissions over the course of proceedings, as may be required, in the interest of justice.
15. The contents of the present affidavit are true and correct to the best of my knowledge and belief.
16. The annexures annexed to the present Affidavit, are true and correct copies of their respective originals


Authorised Signatory.

DEPONENT

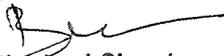
VERIFICATION

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

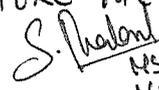
Verified at Chennai on this the 24th day of January 2022.

DEPONENT

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


Authorised Signatory.

BEFORE ME: -


MS24012025
239, Addl. Law Chambers
High Court, Madras
Chennai - 14

Krishnapatnam Edible Oils Refiners' Association

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

(Regn. No. 1020 / 2014)

18th January 2022

For the kind attention of NGT Committee

Dear Sirs,

Sub: Status report about mitigation measures undertaken

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

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

Water Issue

We are actively perusing following options as suggested by authorities

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

Ash land filling

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

Road Matter

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

Real Time Monitoring through AAQ Meter

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

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

Thank you.

Yours truly

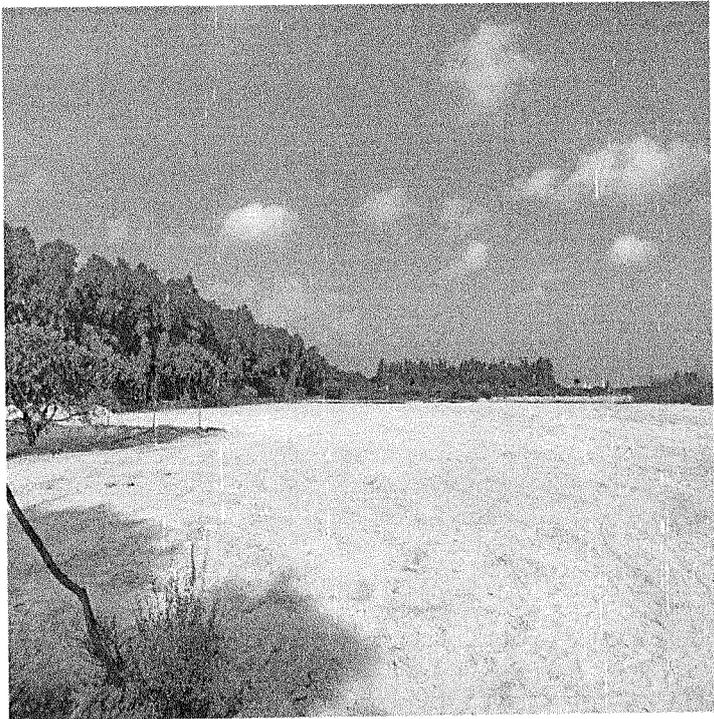


(Authorised Signatory)

For Krishnapatnam Edible Oil Refiners Association

12

Sand Levelled in Ash Dumped area- Near Emami



Sand Levelled in Ash Dumped area- Near Emami

