

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION No. 23 OF 2021 (SZ)

IN THE MATTER OF:

Sama Soma Narsaiah & Ors

....

Applicant(s)

Versus

Union of India & 8 Others

....

Respondent(s)

REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD (R4)
RUNNING INDEX

Sl. No.	Particulars	Page Nos.
1.	Report dated 04.12.2023 of the Telangana State Pollution Control Board (R4).	1 – 3
2.	Annexure–I – Guidelines issued by Respondent Board vide Circular Memo dated 11.01.2001 for establishment of Stone Crushers.	4 – 10
3.	Annexure–II – Hon'ble NGT, Chennai Order dated 12.04.2021.	11 – 27
4.	Annexure–III – Hon'ble NGT, Chennai Order dated 22.11.2023.	28 – 29

Place: Hyderabad

Date: 04-12-2023.

T. Jashwanth

Counsel for 4th Respondent

1

REPORT DATED 04.12.2023 OF THE TELANAGANA STATE POLLUTION CONTROL BOARD (R4) IN OA NO 23 OF 2021.

It is to submit that, Sri Sama Soma Narsaiah, R/o. Jangaon District & others has filed an Original Application No. 23 of 2021 before the Hon'ble NGT, Chennai challenging the lack of EC conditions, violation of Mining License by the Stone Crusher unit of the 9th Respondent, M/s. Sri K. Thirumal Reddy, Building Stone & Road Metal Quarry located at Sy.No.1109, Ippagudem, Station Ghanpur (M), Jangaon District.

The TSPCB has submitted reports on 06.01.2023, 30.01.2023&15.03.2023. The Hon'ble NGT vide Order dated 22.11.2023 has posted the matter for final hearing.

The following is submitted:

1. With regard to the distance between the stone crusher units from the human habitations is Narsingapur Thanda (Lat: 17.716019, Long: 79.381715) is located at a distance of 1140 meters. However, there is one small settlement comprising of 25 houses named as Kasimnagar (17.723377, 79.377391) which is at a distance of 401 meters. However, as per Memo No. Gen-52/PCB/TF-BO/2001-2062 dated 11.01.2001 of APPCB, a habitation will be considered has any cluster of more than 40 households or the 'Janmabhoomi definition' whichever is applicable. As per the Guidelines issued by the erstwhile State of Andhra Pradesh on "Janmabhoomi", "the population having more than 200 is considered as habitation". A copy of the same is enclosed as **Annexure-I**.

It is to further submit that the Joint committee constituted by the Hon'ble NGT in its report dt.31.03.2021 filed before the Hon'ble NGT has considered the Narsingapur Thanda as habitation in the instance case. The Hon'ble NGT, Chennai taken on record the report submitted by the

2

Joint committee in the hearing held on 12.04.2021. Copy of the Hon'ble NGT order is enclosed as **Annexure-II**.

However, considering certain households in the vicinity of the projects, the Board has stipulated conditions for controlling the pollution. The industry has taken the following measures for controlling of Air Pollution:

- Provided cladding with MS sheets to the primary crusher, secondary crusher, primary screen and secondary screens to control fugitive emissions during crushing & screening activity.
- Provided closed elevated dust bunker for storage dust.
- Provided cladding to the conveyor belts to control fugitive emissions.
- Provided fixed water sprinklers at all dust generating sources i.e. the industry has provided fixed water sprinklers at primary, secondary crusher, & screening sections and conveyor belts to control fugitive emissions during crushing & screening activity.
- Water sprinkling along the internal roads, loading & points with hosepipe to control fugitive emissions. Laid BT Road from the boundary of the crusher to the loading point of the crusher.
- Provided wind breaking wall around the crusher.
- Developed the greenbelt with 5m & above width towards North, South and East & quarry followed by hillock towards the West side. The total extent of greenbelt developed is about 3 acres within the crusher premises and about 8 acres outside the premises towards the North side.
- Provided scrubber as a Air Pollution Control Equipment (APCE) to the Hot mixing plant to control emissions.

3

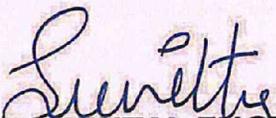
2. With regard to the operation status of the plants during the earlier Inspection of the joint committee on 09.03.2023, the unit was not in operation from 02.03.2023 to 29.03.2023, due to maintenance work. Subsequently, the unit has started its operations from 30.03.2023. The Board officials inspected the unit on 16.11.2023, and observed the unit is under operation.

The above three units have obtained valid Consents of TSPCB and all the units are complying with the consent conditions issued by the Board.

The Board will regularly monitor these industries for compliance of consent conditions issued by the Board and directions issued from time to time.

Place: Warangal

Date: 04.12.2023


ENVIRONMENTAL ENGINEER
ENVIRONMENTAL ENGINEER
Telangana State POLLUTION CONTROL
BOARD REGIONAL OFFICE,
WARANGAL

④
Annexure-I
A.P. POLLUTION CONTROL BOARD
2nd Floor, HUDA Complex, Maitrivanam, S.R. Nagar, Hyderabad

Memo No. Gen-52/PCB/TF-BO/2001- 2062 -

Dt. 11.01.2001

Sub : Stone Crushers in A.P - Action to be taken on defaulting units - Reg.

Ref : D.O. Lr.No. 59/Secy/(Coord)/2000-2, dt. 08.01.2001.



Please find enclosed herewith a copy of D.O. letter received from Chief Secretary on the subject mentioned therein.

The Zonal Officer is directed to take following action in consultation with Regional Officers in his Jurisdiction :

1. Immediate Issue of Show Cause Notice followed by Legal hearing and closure of all defaulting Stone Crushing units in your jurisdiction that are operating within 500 meters of habitation. ~~A habitation will be considered as any cluster of more than 40 households, or the 'Jannabhoomi' definition, which ever is applicable.~~
2. Inform the stone crushing units regardless of their distance from habitation which have executed bank guarantee that they have to install the necessary air pollution control equipment with in 15 days failing which bank guarantee will be forfeited in favour of Pollution Control Board and legal action will be initiated for closure of the stone crusher.
3. Press statement may be issued in the news papers for wide publicity on the proposed action and action taken against the defaulting units.
4. The following data has to ^{be} ^{ad} furnish to Head Office by 10.02.2001.

Name of the District	No. of existing Stone Crushers (Within 500 meters of habitation)	No. of defaulting units Who have deposited on Bank Guarantees	Notices Issued	Describe action taken

[Signature] 15/01/01
MEMBER SECRETARY
[Signature]

[Signature]
The Joint Chief Environmental Engineer,
Zonal Office, _____

Copy to the Environmental Engineer, Regional Office Tirupati for immediate compliance of the above directions in consultation with Zonal Office.

Copy to Chairman, A.P. Pollution Control Board
Copy to CFE Cell
Copy to SEE-CFO

P.T.O

5

P. V. Rao, I.A.S.,



HYDERABAD - 500 022
Off : 3452620
3455340
Fax : 040-3453700
Res : 3548155

Handwritten initials and date: 12/1/01

CHIEF SECRETARY

D.O.Lr.No 59/Secy (Coord)/2000-2 dt.8.1.2001

Dear Sri Chatterjee,

It has come to my notice that the stone crushing units are causing a lot of dust pollution and violating the PCB Guidelines. I am told that you have the security deposits from some of the units. In case of persistent violation, you may examine the possibility of forfeiting the same and installing such equipment as necessary from out of the available security deposit for the unit.

I also request you to examine re-location of such units that are under violation of location norms.

Yours sincerely,

Handwritten signature of P.V. Rao
(P.V.Rao)

Send Compliance initially

Handwritten initials and signature of Sri T. Chatterjee
SPE - CFC

Sri T. Chatterjee, IAS
Member Secretary,
AP Pollution Control Board,
Hyderabad.

COPY OF:

JANMABHOOMI

GUIDELINES FOR CONDUCT OF MAY '98 ROUND
(1st to 7th May, 1998)



2.0 STANDARDISATION OF HABITATIONS:

The list of Habitations have been standardised based on the 1991 Census Charge List. Habitations, therefore, would mean the revenue main village and the hamlet villages falling within the revenue village. For example, if there are 3 hamlet villages in a Revenue Village in addition to the revenue main village, as per the 1991 Census charge list, then there will be 4 habitations.

2.0 CONDUCT OF GRAM SABHA:

2.1 The quarterly Gram Sabha (Village Assembly) will be held in every Habitation during the May Round of Janmabhoomi between 1-7 May, 1998. Gram Sabhas will be held in those Habitations having more than 200 population and all the Habitations having less than 200 population will be tagged on to the nearby Habitation with more than 200 Population.

2.2 Wherever the population of the Habitation Exceeds 2000, the number of Gram Sabhas to be held will be counted calculating every 2000 additional population as an additional habitation. In such of the Habitations, where the population is more than 2000, the second or subsequent Gram Sabhas should be held giving priority to the weaker section localities to ensure greater participation of weaker sections in the Gram Sabhas.

2.3 Not more than 2 Gram Sabhas per day should be conducted by each Mobile Team. Sarpachas will preside over the Gram Sabha and the Upasarpach will preside in the absence of the Sarpach.

3.0 CONSTITUTION OF MANDAL TEAMS:

3.1 There shall be two types of teams at the Mandal Level, one to be called as the Supervisory Team consisting of the Mandal Officers, Mandal Revenue Officer and Mandal Development Officer and the other to be called as Mobile Team headed by key Mandal level functionaries like Mandal Agricultural Officer, Mandal Education Officer, Mandal CMEY Officer, Dy. Tahsildars in the MRO Office, etc., The Number of Mobile Teams in a Mandal will depend on the number of habitations having more than 200 population, as the Gram Sabhas are to be conducted in all those Habitations having more than 200 Population. One Mobile Team should approximately be in charge of 12-14 Habitations having more than 200 Population as each Mobile Team will be responsible for conducting Gram Sabhas in 2 such Habitations per day, i.e., one in the forenoon and one in the afternoon.

4.0 TASKS FOR GRAM SABHA:

The following activities will be taken up in the Gram Sabha.

- a) Reading out Chief Minister's message and discussions on the message for approximately half an hour;
- b) Distribution of pamphlets highlighting the achievements made during the last five rounds under Janmabhoomi in the Habitation including the list of works grounded, NRCM/IFM/Felt Needs received, disposed off etc;
- c) Report on the functioning of Government institutions at the Village level and the present condition of the basic services like water supply, bus services, electricity pensions and other benefits distributed etc. The functioning of the government institutions will include Schools, Health Sub-centres, Anganwadies, veterinary Hospitals, Dispensaries, Fair Price Shops, Agrl. Godowns, Primary Agrl. Co-operatives etc;

- 7
- d) Display of the list of families as per the BPL Survey, the multipurpose house-hold survey and key list of card holders relating to the Habitation-Habitations;
 - e) Preparation of Shelf of Projects under JRY/EAS/MWS and works programmes of Government departments/Local bodies
 - f) Distribution of assets and assistance.
 - g) Receiving grievance petitions from the people.

5.0 ORGANISING HABITATION LEVEL COMMITTEE:

5.1 Habitation Level Committee (HLC) will be organised in every Habitation having more than 200 Population and Habitations having less than 200 Population will be tagged on to the adjoining Habitations. The minutes Book of the Habitation Level Committee will be maintained by the Habitation Level Convener. The Habitation Level Committee will have the following composition.

- i) Sarpanch of Gram Panchayath : Chairman
- ii) Upa Sarpanch of the Gram Panchayath : Vice-chairman
- iii) Mandal Parishad Territorial Constituency Member (MPTC) : Member
- iv) Group Leader of DWCRAs : Member
- v) Group Leader of CMEY Group : Member
- vi) President of Watershed Association (WA) : Member
- vii) President of Vanasamrakshana Samithi (VSS) : Member
- ix) Group Leader of Self-Help Group of Wage Seekers under EAS/JRY : Member
- x) President of VTDA in Tribal Sub-plan Areas : Member
- xi) Member of the Gram Panchayath for the concerned Habitation : Member
- xii) Representative of NGO Working in the Habitation (if any) : Member
- xiii) Habitation Level Convener : Convener

5.2 One of the Group Leaders of the 6 Self-Help Groups (DWCRAs/CMEY/VEC/WUA/WA/VSS) at the Habitation Level will be acting as the Chairman of the Habitation Level Committee wherever Sarpanch or Upa-sarpanch or War Member of the Gram Panchayath in charge of the Habitation in the succeeding order does not come forward to be the Chairman of the Committee.

6.0 WARD LEVEL COMMITTEE:

6.1 The Ward Level Committee (WLC) will be organised in every ward in the Municipalities/Corporations with the following composition;

- i) Ward Councilor : Chairman
- ii) President of the neighbourhood committee : Vice-chairman
- xxx) (of the Slum-Slums located within the Ward)
- iii) President of the Colony/Resident Associations : Member
- iv) Representative of non-governmental organisation working in the Ward : Member
- v) Representative of government departments/Institutions located within the Ward : Member
- vi) Ward Officer in charge of the Ward : Member-Convener.

7.0 APPOINTMENT OF NODAL OFFICERS:

7.1 The list of Nodal Officers shall be finalised by the District Collectors giving exemptions to those directly responsible for the implementation of works component of externally aided projects and NABARD financed projects. Frequent changes of Nodal Officers shall be avoided.

8.0 APPOINTMENT OF THE HABITATION/WARD LEVEL COMMITTEE CONVENORS:

8.1 Habitation Level Convenors shall be appointed by the District Collectors for every Habitation Level Committee for such of the Habitations having more than 200 population. The Habitation Level Committee Convenors shall be appointed from among the village level government functionaries like village development office, Village Administrative Officer, Village Agril. Extension Officer, Executive Officer of Gram Panchayath, Anganwadi Worker, Secretary of PACS and Teachers. Such Habitation Level Convenors should not be changed frequently.

8.2 Ward Level Convenors shall be appointed in the Urban Areas by the District Collector in the consultation with the Municipal Commissioners from among the municipal functionaries or other government functionaries working within the municipal area.

9.0 EXECUTION OF IRRIGATION WORKS:

9.1 All Irrigation maintenance works will be executed through Water Users' associations without linking with Janmabhoomi funds and without any people's contribution. The WUA can utilize 100% of the funds available with them. However, the principles of Janmabhoomi will be followed namely, the participation of the farmers in the maintenance of the irrigation works. Detailed instructions will be issued by the irrigation department accordingly.

10.0 EXECUTION OF COMMUNITY WORKS:

10.1 All the Community Works so far grounded under Janmabhoomi, where no Government share has been paid so far and where there is no further progress should be cancelled immediately.

10.2 Works relating to Watershed Associations, Vana Samrakshana samathies, Water Users' associations would be the main focus during the May 1998 Round of Janmabhoomi.

10.3 All Community Works grounded which are progressing and wherever Government share has been paid shall be brought to a safe stage by end of May '98 and closed and payments made for the work done excepting building works which can be continued till end of the June '98 and completed. Therefore, all community works pertaining to the financial year 1997-98 will be closed in the above manner, payments made for the work done and properly documented and incorporated in the Mandal Janmabhoomi Register being maintained by the Nodal Officer and the Mandal Development Officer.

10.4 All community works being executed in non-tribal pockets in Scheduled/Tribal Sub-plan areas shall be treated as general Habitations only and the rate of peoples' contribution shall be applicable as laid down under Janmabhoomi guidelines.

10.5 Proposals for new works can be received during May '98 Round only in those Habitations where 2 works already taken up have been completed or value of works done exceeds 50% of the estimated cost. The total value of new works proposals shall not exceed Rs.5.00 Lakhs per Habitation. The works taken up in the Habitations through WUA/WA, and VSS/shall not be counted for this purpose. Habitations having more than 2000 population shall be treated as additional Habitations at the rate of every additional 2000 Population.

11.0 DAY-WISE ACTIVITIES FOR MAY, 1998 ROUND:

11.1 Sramadanam and Sanitation campaign will be taken up on all 7 days. Free Health Camps shall be held on any one of the 7 days at the Habitation Level for identification of persons suffering from TB and eye problem. Referral Cards will be issued to them for treatment subsequently at the PHC/Talug/District Hd.qrs. Hospital at the cost of the Government as per the programme to be fixed and communicated during the Health Camp by the PHC Doctor.

11.2 Private Doctors, Students of the Medical Colleges and NGOs shall be involved for the purpose of identification and conduct free health camps at the Habitation Level wherever required.

11.3 Free Veterinary Camps shall be organised at the Gram Panchayath Hd.Qrs. and procurement of medicines shall be made accordingly by the Dist.Collectors limiting the expenditure upto Rs.500/- per Gram Panchayath.

11.4 The core area activities of Janmabhoomi like Primary Education, Primary Health and Family Welfare, Environment Conservation shall be continued on all the 7 days by the Habitation Level Committee, involving every citizen in the Habitation with active participation of the self-help groups.

11.5 The Habitation/Ward Level Committee shall conduct meeting highlighting the urgent social issues like "Child Marriage" and "Child Labour" and motivate the people to work together towards the elimination of "Child Marriage" and "Child Labour".

12.0 ORGANISATION OF SELF-HELP GROUPS:

12.1 The following Self-Help Groups shall be organised in every Habitation by the concerned Government Departments if they are not existing.

S.No.	Name of the Self-Help Group	Department concerned
1.	Development of Women and Children in the Rural Areas (DWCA)	PR&RD Dept.,
2.	Chief Minister's Empowerment of Youth (CMEY)	Youth Affairs, Tourism & Culture Dept.,
3.	Vana Samrakshana Samithi (VSS)	Forest Dept.,
4.	Water User's Association (WUA)	XXXX Irrigation Dept.
5.	Water shed Association (WA)	PR&RD Dept.,
6.	Village Education Committee (VEC)	Education Dept.,

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 23 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Sama Soma Narasaiah & Others.

...Applicant(s)

Verses

Union of India and Others.

....Respondent(s)

Date of hearing: 12.04.2021.

CORAM:

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

HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s):

Sri. N.R. Arjun Kumar represented

Sri. Sravan Kumar

For Respondent(s):

Smt. M. Sumathi for R1

Smt. H. Yasmeen Ali through

Smt. D. Renuka for R2, R3, R5 to R8

Ms. J. Dayana represented

Sri. T. Sai Krishnan for R4

Sri. Ramesh Ganapathy represented
Sri Venkat Reddy Donti Reddy for R9

ORDER

1. As per order dated 03.02.2021, this Tribunal had admitted the matter and also appointed a joint committee to go into the question and submit a report and posted the case to 10.03.2021 for that purpose. On 10.03.2021, the matter was adjourned to today by notification.
2. When the matter came up for hearing today through Video Conference, Sri. N.S. Arjun Kumar represented Sri. Sravan Kumar who represented the applicant. Smt. M. Sumathi represented 1st respondent, Smt. H. Yasmeen Ali through Smt. D. Renuka represented the respondents 2, 3 & 5 to 8, Ms. J. Dayana represented Sri. T. Sai Krishnan counsel for 4th respondent and Mr. Ramesh Ganapathy represented Sri. Venkat Reddy Donti Reddy counsel for 9th respondent.
3. The joint committee had filed a report which was signed on 31.03.2021, forwarded on 07.04.2021, e-filed on 09.04.2021 and received on 12.04.2021 which reads as follows:-

REPORT OF THE JOINT COMMITTEE CONSTITUTED BY HON'BLE NGT, SOUTH ZONE, CHENNAI IN OA No. 23 OF 2021 FILED BY SRI SAMA SOMA NARASAI AH AND OTHERS VS UNION OF INDIA & OTHERS.

It is to submit that Sri Sama Soma Narasaiah and others have filed an Application before the Hon'ble National Green Tribunal, Southern Zone, Chennai (Application No. 23 of 2021) against M/s. K. Thirumal Reddy, Building Stone & Road Metal Quarry - 4.0 Ha. located at Sy.No. 1109, Ippagudem (V), Station Ghanpur (M), Jangaon District (9th Respondent) and the main prayer of the applicant is as follows:

- (1) *Appoint an independent experts committee to ascertain the ground situation at Ippagudem Stone mining Quarry, stone crusher and Tar/RCC Mix Plant run by Respondent No.9 for taking appropriate action.*
- (2) *Direct the Respondent No. 1 to 4 to take action according to law on the Respondent No. 9 for violating the Mining lease and mandatory precautions fixed by way of siting guidelines by CPCB/TSPCB.*
- (3) *Direct the Respondents 5, 6 & 8 to assess the damage caused to health of population, houses, agriculture, bore wells and Ippagudem, Rangarayigudem, Komatigudem, Kotulabad, Narasingapuram Tanda Villages of Janagaon District of Telangana State due to the polluting activities of Respondent No. 9.*
- (4) *Direct the State of Telangana and Telangana PCB to implement the order dated 5.7.2016 in O.A. No. 3 of 2016 (SZ) Suo-Motu and submit the report.*

The Hon'ble NGT, Chennai has heard the matter and passed orders dated 03.02.2021 constituting a Joint Committee comprising of

1. *The District Collector, Jangaon District of Telangana State, or a Senior Officer not below the rank of Assistant Collector or Sub-Divisional Magistrate to be deputed by the District Collector*
2. *A Senior Officer from Telangana State Pollution Control Board (TSPCB) as designated by its Chairman,*
3. *A Senior Officer from the Directorate of Mining and Geology of concerned area and*

14

2

4. *A Senior Officer from State Environmental Impact Assessment Authority (SEIAA) of Telangana State*

The Hon'ble NGT directed the Joint Committee to inspect and verify the following:

- I. *The committee is directed to ascertain as to whether there is any violation of Siting criteria, compliance of the conditions imposed in the environmental clearance as well as consent granted by the respective authorities, whether the pollution control mechanism provided are sufficient to curb the possible noise as well as air pollution, whether on account of the operation of the 9th respondent unit, there is any damage caused to nearby water bodies as alleged by the applicant and also environmental degradation and if so, what are all the remedial measures to be taken to restore the same apart from imposing environmental compensation for the damage caused to the environment on account of the alleged illegal activities of the 9th respondent.*
- II. *The committee is also directed to ascertain as to whether the 9th respondent had exceeded the mining area or the quantity permitted and if so, what is the excess quantity mined on account of the alleged illegal mining and if so, what is the quantum of compensation that has to be collected towards royalty and penalty as per the concerned rules and also the cost required for restoring the damage caused on account of such illegal mining.*
- III. *The committee is also directed to ascertain as to whether there was any health impact on account of the operation of the 9th respondent unit, within a reasonable distance within which the possibility of the pollution may have impact.*
- IV. *The committee is also directed to consider the question of directions issued by this Tribunal in O.A. No. 03 of 2016 (Suo-Motu based on the news item published in "Eenadu" Telugu Newspaper, dated 29.12.2015*

Vs. The Chief Secretary, Government of Telangana and others dated 05.07.2016).

- V. *The committee is directed to submit the report to this Tribunal on or before 10.03.2021, 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.*

In this regard, as per the Hon'ble NGT orders dt.03.02.2021, the Joint Committee with the following officials is constituted:

- a. Sri Abdul Hameed, Additional Collector (Local Bodies), Jangaon District
- b. Sri P. Madhusudhan Reddy, Deputy Director, Mines & Geology, Warangal.
- c. Sri G. Gangadhar, Secretary, SEAC and representative SEIAA, Hyderabad.
- d. Sri M. Venkat Narsu, EE, TSPCB, RO-Warangal.

The Joint Committee has conducted inspection of the Building Stone & Road Metal Quarry, Stone Crushing Unit & Hot Mix Plant on 05.03.2021 & 18.03.2021 and verified the contents of application filed in the Hon'ble NGT. The Joint Committee also enquired with the local people, inspection details & observations are as follows:

The petitioners in OA No. 23 of 2021 have submitted representations to the joint committee and the content of the representations are mentioned below:

A. Sri Sama Soma Narsaiah (1st petitioner):

- a. The stone crusher is operating even after expiry of the permissions.
- b. He questioned about capacities for which permissions issued by the Government and quantity of explosives being consumed.
- c. Whether any inspection has been done during the blasting
- d. How the permission was issued to the crusher as there are residential houses existing at a distance of 400 mts.
- e. The agricultural crops and the public health have been affected due to the operation of stone crushing unit.

B. Sri Maraboina Komuraiah (2nd petitioner):

- a. He stated that they are having acres 3.10 guntas in Sy.No. 1109, which was given on lease basis to the management of the crushing unit later the same land is not handing over to them and also they have been threatened.
- b. He also stated that bore wells are collapsed, houses are damaged, birds & animals are entered in the villages.

C. Sri Pallapu Ravi (3rd Petitioner):

He stated that they are having acres 5.16 guntas in Sy.No. 1109/3, which was given on lease basis to the management of the crushing unit later the same land is not handing over to them and also they have been threatened.

Copies of the same are herewith enclosed as **ANNEXURE - I**.

M/s. K. Thirumal Reddy, Building Stone & Road Metal Quarry - 4.0 Ha. located at Sy.No. 1109, Ippagudem (V), Station Ghanpur (M), Jangaon District and M/s. Shriya Constructions (Stone Crusher & Hot Mix Plant, extent - Acres 6.20 Guntas) is located at Sy.No. 1106 & 1107, Ippagudem (V), Station Ghanpur (M), Jangaon District. The Stone Crusher & Hot Mix Plant is located adjacent to the stone metal quarry. **The stone quarry & crusher is surrounded by**

North - Approach road followed by tree plantation & Agricultural lands
 East - Approach Road followed by Agricultural Lands
 South - Village Road followed by Agricultural Lands
 West - Hillock.

The details of permissions granted by the Govt. of Telangana (Mines & Geology Department) and TSPCB are as follows:

> **M/s. K. Thirumal Reddy (4.0 Ha. Building Stone & Road Metal Quarry):**

- i. The Government of Telangana (Mines & Geology Department) accorded mine lease grant vide order dt: 09.09.2010 for a period up to 08.09.2020. A copy of the same is enclosed as **ANNEXURE-II**.

5

17

- ii. The DEIAA, Jangaon District issued Environmental Clearance (EC) vide Order No. 11/DEIAA-DEAC-JN/2016-1 dated 31.10.2017 with a validity period of 05 years or expiry date of quarry lease period, whichever is earlier. A copy of the same is enclosed as **ANNEXURE-III**.
- iii. As the mine lease period expired by 08.09.2020 then EC validity also lapsed.
- iv. The mine management has applied for extension of EC period on 12.09.2020 and the application was reviewed in the SEAC committee meeting held on 18.02.2021 and was recommended for issue of extension of EC. Subsequently, the issue was placed in the SEIAA meeting held on 06.03.2021 & 20.03.2021 and the SEIAA committee noted that the earlier EC dated 30.10.2017 is valid for 5 years i.e., up to 30.10.2022. Hence it is decided to return the application. In this regard the SEIAA issued the order dated 22.03.2021 stating the decision of the committee. A copy of the same is enclosed as **ANNEXURE-IV**.
- v. Further it is submitted that as per the Government instructions, the IT section of the Department of Mines & Geology, Telangana State has allowed issuance of dispatch permits to the existing lease holders who are due for renewal and filed renewal applications within the stipulated time. Extracts of the Mines & Geology Department portal on quarry leases period is herewith enclosed as **ANNEXURE - V**.
- vi. As per EC, the permitted quantity is 5,76,943 m³ in 05 years or 1,15,388.6 m³/annum. As per the ETS survey report dated 24.03.2021, cumulative extracted quantity arrived at 308870 cubic metres. Detailed ETS survey report is herewith enclosed as **ANNEXURE-VI**.
- vii. The TSPCB Issued Consent for Establishment (CFE) to the quarry vide Order No. 583-WGL/TSPCB/ZO-HYD/CFE/2018-2653, dated 07.02.2018 for mining of building stone & road metal - 1,15,388.6 m³/annum. A copy of the same is enclosed as **ANNEXURE-VII**.
- viii. The TSPCB issued Consent for Operation(CFO) to the quarry vide Order No. 583-WGL/TSPCB/ZOH/CFO/2018-2688, dt: 14.02.2018 valid up to 31.12.2022 for mining of building stone & road metal - 1,15,388.6 m³/annum. A copy of the same is enclosed as **ANNEXURE-VIII**

15

6

> **M/s. Shriya Constructions (Stone Crusher & Hot Mix Plant):**

- i. The Stone Crusher & Hot Mix Plant, extent – Acres 6.20 Guntas is located at Sy.No. 1106 & 1107, Ippagudem (V), Station Ghanpur (M), Jangaon District. The Stone Crusher & Hot Mix Plant is located adjacent to the stone metal quarry.
- ii. The TSPCB issued Consent for Establishment (CFE) for Stone Crusher & Hot Mix Plant vide Order No. 508-WGL/TSPCB/ZO-HYD/CFE/TS-IPASS/2017-48, dated 28.04.2017 for production of (1) Stone Chips – 500 TPD & (2) Hot Mix Asphalt – 500 TPD. A copy of the same is enclosed as **ANNEXURE–IX.**
- iii. The TSPCB issued Consent for Operation(CFO) to the Stone Crusher & Hot Mix Plant vide Order No. 508-WGL/TSPCB/ZOH/CFE/TS-IPASS/2017-226 dated 03.11.2017 valid up to 31.10.2022 for production of (1) Stone Chips – 500 TPD & (2) Hot Mix Asphalt – 500 TPD. A copy of the same is enclosed as **ANNEXURE–X.**

The Joint committee observation in view of Allegations made by the petitioner and directions of the Hon'ble NGT are as follows:

I. Status of Siting guidelines:

S. No	Siting Guidelines for	Criteria / guideline issued by the competent authority	Actual distances
1.	Building Stone & Road Metal Quarry	The Member Secretary, SEIAA, Telangana issued clarification on siting guidelines for mining projects vide dt: 15.12.2017 as follows: The distance criteria of the proposed mining project shall be as follows: Habitation – 500 meters Reserve Forest – 50 meters Water body – 45 meters	As per the Joint Committee observation the actual distances are as follows: Nearest habitation (i.e. Narsingapur thanda Lat: 17.716019, Long: 79. 381715) is 1341 meters. However there is one small settlement comprising of 25 houses named as Kasimnagar (17.723377, 79.377391) which is at

7

19

	<p>A copy of the same is enclosed as ANNEXURE - XI.</p> <p>Further, the SEIAA issued amendment to siting guidelines vide order dt: 11.06.2020 stating that the minimum distance (Aerial distance) from the boundary of mine lease area should be as follows:</p> <p>Nearest habitation : 200 meters</p> <p>Nearest water body : 50 meters</p> <p>Reserve forest : 50 meters</p> <p>A Copy of the order dt: 11.06.2020 is enclosed as ANNEXURE - XIII.</p>	<p>a distance of 570 meters.</p> <p>However, as per Memo No. Gen-52/PCB/TF-BO/2001-2062, dated 11.01.2001 of APPCB, A habitation will be considered ,has any cluster of more than 40 households or the 'Jhanmabhoomi definition' whichever is applicable.</p> <p>In view of the above, Narsingapur Thanda is considered as habitation in the instance case.A copy of the same is enclosed as ANNEXURE-XII.</p> <p>Nearest water body (Kasimnagar kunta @ Lat: 17.724226, Long: 79.377554) is 700 meters</p> <p>Reserve forest : Nil</p> <p>The stone metal quarry is complying with siting guidelines.</p>
2.	<p>Stone Crusher</p> <p>Lat: 17.723225</p> <p>Long: 79.372848</p> <p>The Member Secretary, APPCB (presently TSPCB) issued modified siting guidelines of stone crushers vide Memo dt. 07.04.2007, stating that the minimum distance shall be maintained is as follows:</p> <p>Human habitation : 800 meters</p> <p>National Highway : 500</p>	<p>The actual distances are as follows:</p> <p>Nearest habitation</p> <p>Narsingapur thanda Lat: 17.716019, Long: 79.381715) is 1140 meters. However there is one small settlement comprising of 25 houses named as Kasimnagar (17.723377, 79.377391) which is at a distance of 401 meters.</p> <p>However, as per Memo No. Gen-</p>

20

8

	<p>metres State Highway / Major district Road / any other road:100 meters</p> <p>Min. land required: Around 3 to 5.5 acres required depending upon surroundings. The crusher preferably be located near the quarries. (Copy of Memo dt: 07.04.2007 is enclosed as Annexure - XIV).</p>	<p>52/PCB/TF-BO/2001-2062 dated 11.01.2001 of APPCB, A habitation will be considered /has any cluster of more than 40 households or the 'Jhanmabhoomi definition' whichever is applicable. In view of the above, Narsingapur Thanda is considered as habitation in the instance case. The nearest road is the Village road (Lat: 17.720812, Long: 79. 372466) which is at a distance of 174 meters. The allotted Area is 6.5 acres The crusher is located adjacent to the quarry. The Stone Crusher is complying with siting guidelines.</p>
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II. Compliance status with conditions stipulated in Environmental Clearance and CFO order of Building stone & road metal quarry :

- a. The stone metal quarry has not adopted the wet drilling system and not provided permanent water sprinkling arrangements on hauls roads, loading & unloading and at transfer points for dust suppression, but wetting of common approach road and haul roads is being carried out with hose pipe.
- b. The employees are not provided with personal protective equipment.
- c. The quarry has not developed the green belt around the lease area as the surrounding area is rocky terrain. But the quarry management has

9

21

developed greenbelt in a dedicated area of 5 acres adjacent to the crushing unit.

- d. The quarry has not taken any measures for the monitoring of Ground water level and suitable measures for augmentation of groundwater.

III. Compliance status with conditions stipulated in CFO order of Stone Crusher:

- a. It was observed during the inspection on 05.03.2021, there is no dust bunker for collection of dust. However the old dust bunker was damaged and kept outside. Further during the next joint committee inspection on 18.03.2021 it is observed that the industry has installed elevated closed dust bunker and put it into use.
- b. The crusher has established a ready mix concrete (RMC) plant without obtaining CFE of the Board but the same is not yet commissioned.
- c. The crusher has not provided wind breaking walls around the crusher, however, the management has developed the greenbelt with 5m width towards North, South & East and towards West side, it is covered by hillock.
- d. The crusher has not covered the conveyor belts with GI sheets but covered with fibre cloth.

IV. Status of Air Pollution Control Measures: It is brought to the notice of the committee by the villagers that considerable noise is emitted during the usage of explosives in the quarry. However the joint committee observed certain measures in building stone & road metal quarry and also in stone crusher are as follows:

A. Building stone Road metal Quarry:

- a. Wetting of common approach road and haul roads is being carried out with hose pipe instead of providing permanent water sprinkling arrangements.
- b. The quarry management has developed greenbelt in a dedicated area of 5 acres instead of developing green belt around the lease area.

22

10

B. Stone Crusher:

- a. The industry has provided water sprinklers at all dust generating sources.
- b. The crusher has provided cladding to the primary crusher, secondary crusher, primary screen and secondary screen.
- c. The crusher has covered all the conveyor belts with fabric cloth instead of with GI sheets.
- d. During the inspection on 18.03.2021, it was observed that the industry has installed new elevated closed dust bunker for collection of dust as the old dust bunker was damaged.
- e. The industry has laid BT road from the boundary of the crusher to the loading point of the crusher.
- f. The crusher has developed the greenbelt with 5m & above width towards North, South and East. The quarry followed by hillock towards the West side.
- g. The total extent of greenbelt developed is about 3 acres within the crusher premises and about 8 acres outside the premises towards the North side.

V. Any damage caused to nearby water bodies and environmental degradation:

During the inspection, the following were observed:

- > Nearest water body is Kasimnagar kunta existing at a distance of 700 m from the mine lease area and observed that the kunta is dried up.
- > Dust depositions were observed on the plants existing within the boundary of the units. However no dust depositions are observed beyond the boundary.

VI. Exceeding the mining area or quantity permitted, if so compensation to be collected towards royalty on account of illegal mining:

- a. The lessee opened two quarry pits and conducting quarry operations. The extent of two quarry pits operated by lessee is measured and

worked out to 1.575 Ha (Pit-1 = 1.049 Ha and Pit-2 = 0.5261 Ha). The area of the two quarry pits is much less than the 4.00 Ha quarry lease area.

- b. As per EC, the permitted quantity is 5,76,943 m³ in 05 years or 1,15,388.6 m³/annum. As per the ETS survey report dated 24.03.2021, cumulative extracted quantity arrived at 308870 cubic metres.

VII. Any health impact due to operation of Building Stone & Road Metal Quarry, Stone Crusher & Hot Mix Plant.

As per the report furnished by the DM&HO, Jangaon, there is no impact on the health of surrounding villagers. A copy of the same is enclosed as **ANNEXURE-XV**

The Panchayath Secretary, Narsingapuram Thanda vide letter dt: 05.03.2021 stated that the villagers are not facing any difficulties in terms of health issues, agricultural productivity or structural damages to the houses from the Quarry/Crusher located in the Rangarayagudem village except for the dust nuisance caused by the quarry/crusher vehicles moving through their village. The Panchayath Secretary further requested to implement water sprinkling measures on the road to reduce the fugitive emissions. A copy of the same is enclosed as **ANNEXURE-XVI**.

The District Agriculture Officer, Jangaon reported that due to dust particle deposition on leaves it may hinder photosynthesis and that it may reduce the yield approximately by 5%. Further it was also reported that there is no crop damage noticed during the field visit of Agricultural Scientist, exact variation in yields will be arrived after harvesting of crops. Extent of yield reduction may vary with the stage of the crop, at which deposition of dust occurs. A copy of the same is enclosed as **ANNEXURE- XVII**

VIII. Compliance Status with directions issued by Hon'ble NGT vide order dt: 05.07.2016 in OA No. 3 of 2016

24

12

- > Building Stone & Road Metal Quarry, Stone Crusher & Hot Mix Plant are having valid Consent for Operation (CFO).
- > Developed greenbelt with 5m width towards North, South and East of Stone Crusher unit. The quarry followed by hillock is located on the West side. The total extent of greenbelt developed is about 3 acres within the crusher premises and about 8 acres outside the premises towards the North side.

IX. Action Taken by the competent authorities:

- a. Ambient Air Quality(AAQ) monitoring was conducted by the Zonal Laboratory, TSPCB, Warangal on 05.03.2021 and the SPM value was found to be 1855 $\mu\text{g}/\text{Nm}^3$ [10m away from screen house] against the standard of 600 $\mu\text{g}/\text{Nm}^3$. The industry submitted a letter dated 18.03.2021 stating that they have installed elevated closed dust bunker and requested to re-conduct AAQ monitoring. The AAQ monitoring again conducted at two locations within the crusher premises on 22.03.2021 and the SPM values was found to be 512 $\mu\text{g}/\text{Nm}^3$ [@ 10 mts from Jaw Crusher] against the standard of 600 $\mu\text{g}/\text{Nm}^3$ and 82 $\mu\text{g}/\text{Nm}^3$ [@ boundary of the industry on South side – down wind direction] against the standard of 100 $\mu\text{g}/\text{Nm}^3$. Copy of analysis reports are herewith enclosed as **ANNEXURE - XVIII & XIX**.
- b. The TSPCB, Regional Office, Warangal has issued notices to the industry on 19.02.2021, 25.02.2021 & 18.03.2021 for establishing the RMC plant without obtaining CFO of the Board, for non-compliance of conditions stipulated by the Board and for exceeding the emission standards prescribed by the Board respectively. Copies of the notices are enclosed as **ANNEXURE-XX**.

X. Summary:

S.No	Directions of Hon'ble NGT	Compliance/Observation
1.	Status of Siting guidelines	The quarry and stone crushing unit are complying.

2.	Compliance status with conditions stipulated in Environmental Clearance and CFO order of Building stone & road metal quarry	Non-compliance with certain conditions observed and issued a show cause notice.
3.	Compliance status with conditions stipulated in CFO order of Stone Crusher.	Non-compliance with certain conditions observed and issued a show cause notice. The industry installed elevated closed dust bunker.
4.	Status of Air Pollution Control Measures	<u>Quarry:</u> Certain shortfalls were observed. <u>Stone crusher:</u> Required air pollution control measures provided/taken.
5.	Any damage caused to nearby water bodies and environmental degradation.	No damage was observed on the nearest water body.
6.	Exceeding the mining area or quantity permitted in the compensation to be collected towards royalty on account of illegal mining.	As per EC, the permitted quantity is 76,943 m ³ in 05 years or 1,53,886 m ³ /annum. As per the ETS survey report dated 24.03.2021, cumulative extracted quantity arrived at 308870 cubic metres in 10 years.
7.	Any health impact due to operation of Building Stone & Road Metal Quarry, Stone Crusher & Hot Mix Plant.	It is reported by DM&HO Jangaon that there is no health impact.
8.	Compliance Status with directions issued by Hon'ble NGT vide order dt: 05.07.2016 in OA No. 3 of 2016	Both quarry and crusher are complying with the directions of Hon'ble NGT dated 05.07.2016.

9.	Action taken by the competent authorities	Notices issued for the observed non-compliances.
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It is to submit that earlier in the year 2017, Sri. S. K. Subhan & Others filed a WP No. 40816 of 2017 in Hon'ble High Court of Telangana and Andhra Pradesh against the Building Stone & Road Metal Quarry and stone crushing plant situated at khasim Nagar, Grampanchayat, Ippaguden, Mandel Station Ghanpur, Janagaon district. The matter is still pending in the Hon'ble High Court. The status of the case is enclosed as ANNEXURE – XXI.

4. The counsel appearing for the applicant wanted to file objection to the report.
5. The counsel appearing for the 9th respondent submitted that they have already e-filed their response. But office says that no such response has been received.
6. The counsel for the 9th respondent is directed to verify the same and if there is any defect in the e-filing process, then they are directed to rectify the same before the next hearing date.
7. The Registry is directed to communicate this order to the members of the committee as well as the official respondents immediately through e-mail, so as to enable them to comply with the direction.

8. For objections if any, and also for completion of pleadings, post on

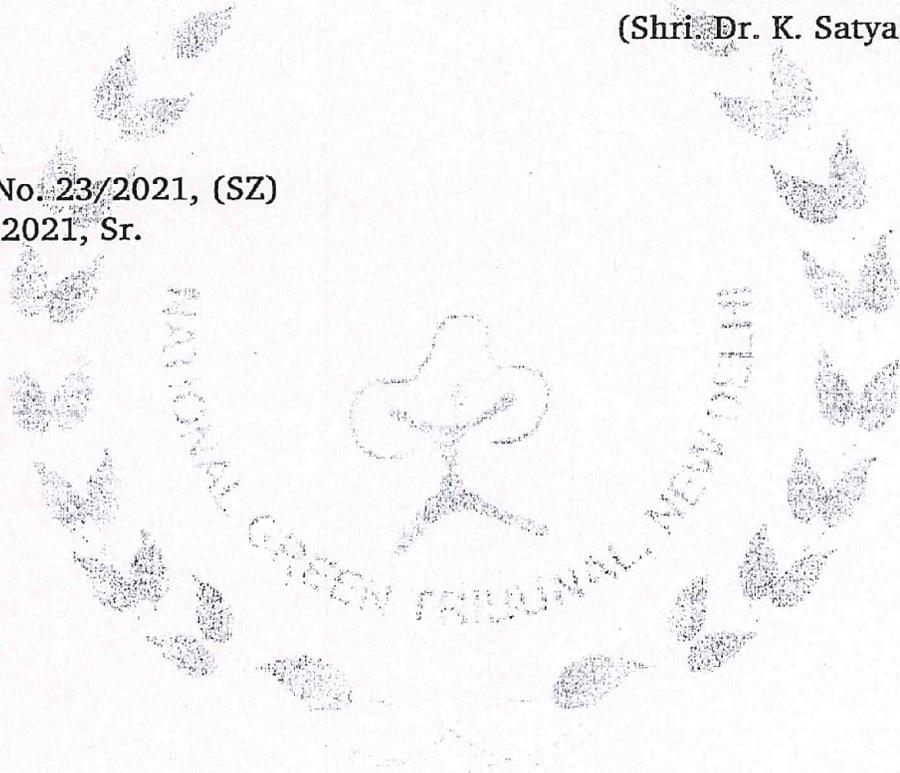
18.05.2021.

27

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

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

O. A. No. 23/2021, (SZ)
12.04.2021, Sr.



Item No.16:-

28

Annexure - III

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No. 23 of 2021 (SZ)

IN THE MATTER OF

Sama Soma Narsaiah & Ors.

...Applicant(s)

Versus

Union of India & Ors.

...Respondent(s)

Date of hearing: 22.11.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mr. Sai Srujan Tayi for R1.
Mrs. H. Yasmeen Ali for R2, R3, R5 to R8.
Ms. Lavanya represented
Mr. T. Sai Krishnan for R4.

(29)

ORDER

1. The learned counsel appearing for the Telangana State Pollution Control Board seeks time to upload their further report.
2. Post the matter on **05.12.2023** for final hearing.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.23/2021 (SZ)
22nd November, 2023. Mn.

