

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE**

ORIGINAL APPLICATION NO. 23 OF 2022

IN THE MATTER OF:

Kambala Ammoriya and Others, Visakhapatnam
District, Andhra Pradesh
And 7 Others

... Applicants

Versus

Union of India and Others

... Respondents

AFFIDAVIT FILED ON BEHALF OF THE 4th RESPONDENT

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 52 years, having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm and sincerely state as follows:-

01. I submit that, I am presently working as Scientist 'E' & holding Charge of Regional Director (Chennai), Central Pollution Control Board (hereafter called as CPCB). I am authorized to file the counter affidavit on behalf of the 4th Respondent. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present as under:

02. I submit that, the grievance in the application is regarding the damage caused to environment on account of the operation of M/s. Hetero Infrastructure SEZ Ltd and Hetero Laboratories Ltd, (hereinafter stated as the 11th Respondent) Pharmaceutical industry in Special Economic Zone in Visakhapatnam, and regarding non-compliance of the conditions imposed in the Environmental Clearance and non-compliance of conditions stipulated in the Consent granted by Andhra Pradesh Pollution Control Board.

03. I submit that, the Applicant alleged that, the 11th Respondent unit has been discharging trade effluents into the soil without proper and adequate treatment and had thereby contaminated the quality of soil and water. The Applicant had further alleged that, the chemicals had also been discharged into the sea through pipelines without complying with the environmental standards, thus affecting aquatic life. The Applicant further alleged that, the 11th Respondent unit has laid pipelines in the CRZ zone without obtaining any permission.

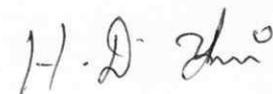
H. D. Varalaxmi

04. I submit that, the Environmental Clearance mandated by the Environmental (Protection) Act 1986, is granted by MoEF&CC and the Consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 are issued to the 11th Respondent by Andhra Pradesh Pollution Control Board. Therefore, MoEF&CC and Andhra Pradesh Pollution Control Board are responsible for checking compliance of the conditions of Environmental Clearance and Consent to Operate as well as other environmental rules and regulations. I further submit that, before taking up any project in the CRZ area, the project proponent has to obtain prior CRZ clearance from SEIAA/ Ministry of Environment Forest and Climate Change. The 11th Respondent is responsible for obtaining prior CRZ clearance before undertaking any activity in the CRZ. Therefore, the allegations made by the Applicant shall be duly checked by Respondents 1, 5 and 6.

05. I submit that, the 4th Respondent had directed the 11th Respondent to close down its operations and to operate properly the ETP so as to achieve the notified standards and to provide for the collection of bottom ash and fly ash vide Order dated 04.10.2017. Further, in view of undertaking of compliance submitted by the 11th Respondent unit, the 4th Respondent, by its order dated December 19, 2017 revoked the directions and unit was allowed to resume its operations. The unit was inspected once again by the 4th Respondent within 45 days from the date of resumption of its operations, to verify the compliance and undertaking submitted by the 11th Respondent unit. Since the unit had complied with the directions of the 4th Respondent and other environmental norms, no further directions were issued.

06. I submit that, this Hon'ble Tribunal, by Order dated 21.02.2022 constituted a joint committee to ascertain the genuineness of the allegations made by the Applicant, and CPCB is a member of the joint committee. The observations made during field visits will be submitted to Hon'ble Tribunal as part of the committee report.

Under such circumstances, it is humbly prayed that the Hon'ble Tribunal may be pleased to take this Affidavit on record and pass such further or other orders as this Tribunal may deem fit and proper to the circumstances of the case and thus render justice.



Deponent
H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt. of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 077

VERIFICATION

It is verified that the content of this Affidavit is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 1st day of April, 2022 at Chennai

Counsel for CPCB



Deponent
H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
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