

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

In Original Application No. 232 of 2021 (SZ)

IN THE MATTER OF

Sri. Nakka Papa Rao

... Applicant (s)

Versus

Special Chief Secretary to Govt. of Andhra Pradesh & Ors

... Respondent (S)

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Date: 23.09.2022.


ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office, Srikakulam
ENVIRONMENTAL ENGINEER
A.P.POLLUTION CONTROL BOARD
REGIONAL OFFICE
SRIKAKULAM

REPORT OF ANDHRA PRADESH POLLUTION CONTROL BOARD IN THE MATTER OF O.A NO.232 OF 2021 (SZ) (EARLIER O.A NO. 296 OF 2021 (PB)) ON M/S. MANIKANTA PAPER PRODUCTS, R.SY.NO.130/18P, MAIN ROAD, BODDAM (V), RAJAM (M), SRIKAKULAM DISTRICT WITH RESPECT TO HON'BLE NGT ORDER DT.15.09.2022.

The Hon'ble NGT, Chennai issued orders in the matter of O.A. No.232 of 2021 (SZ) vide order dt.15.09.2022 and directed for filing of the report of Andhra Pradesh Pollution Control Board (APPCB) after the inspection of the unit, the matter is adjourned to 30.09.2022. **(Annexure-I)**

Preamble:

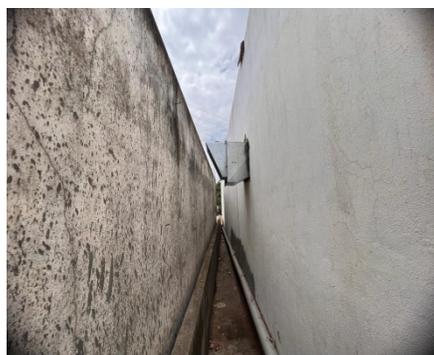
1. The Hon'ble National Green Tribunal (NGT), New Delhi registered O.A No. 296 of 2021 based on a complaint received by email from Sri Nakka Paparao, Srikakulam District, vide its order 10.11.2021, appointed a joint committee of state PCB and District Magistrate, Srikakulam to look into the grievance and take remedial action in accordance with law. The Joint Committee has filed its report dt.11.01.2022, e-filed on 20.01.2022. The Joint Committee while submitted its report suggested the unit certain remedial measures.
2. The Hon'ble NGT, Southern Zone, Chennai in its order dt.15.02.2021 in O.A.No.232 of 2021 (SZ), directed SPCB to file a further action taken report including imposition of Environmental Compensation, applying the Central Pollution Control Board guidelines issued and submit the report to this Tribunal (Southern Zone) on or before 21.03.2022.
3. The APPCB Officials inspected the unit on 24.02.2022 and reported that the unit has not taken any remedial measures as suggested by the Joint Committee and operating the unit without having consents of the Board.
4. The APPCB issued closure orders to the unit on 09.03.2022 under Section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and amendments thereof, in the interest of Public Health and protection of Environment.
5. The APPCB also issued notice on 14.03.2022 duly imposing Environmental Compensation of Rs.6,85,500/- from the date of rejection letter of the consent application dt.24.11.2020 to date of inspection 24.02.2022 as per the Hon'ble NGT orders.
6. The unit filed a W.P No.6671of 2022 before the Hon'ble High Court of Judicature Andhra Pradesh at Amaravathi against the closure order issued by the Board. The Hon'ble High Court issued order and *directed to the 5th respondent* (EE, APPCB, RO, Srikakulam) *“to restore the power supply to the petitioner within a week from today and allow the unit to run”*. It is made clear that this order will be subject to result of O.A. No.232 of 2021, which is pending before Hon'ble NGT, Chennai Bench (copy enclosed as **Annexure-II**)

7. The RO, APPCB, Srikakulam requested the SE, APEPDCL, Srikakulam vide letter dt.12.05.2022 to restore the power supply to M/s. Manikanta Paper Products, R.Sy.No.130/18P, Main Road, Boddam (V), Rajam (M), Srikakulam District as per the Hon'ble High Court directions and to facilitate operation of the industry. The APEPDCL restored the power supply on 12.05.2022, copy enclosed as **Annexure-III**.

Report of the A.P. Pollution Control Board as per the Hon'ble NGT order dt.15.09.2022:

1. The APPCB Officials inspected M/s. Manikanta Paper Products at Boddam (V), Rajam (M), Srikakulam District on 17.09.2022 and observed that the unit was in operation and producing paper plates by using machinery of Lamination machines, Corrugation machine with heaters, glue mixers, online pasting with cutting machine and plate moulds.
2. As per the Joint Committee suggestions the unit has implemented following remedial measures:

- i. Provided hood over the heating machine for extraction of fumes and the exhaust connected outside for dispersion of fumes.



- ii. The unit removed the exhaust fans provided towards west side i.e., towards complainants residences to avoid smell nuisance.



- iii. All machineries and raw materials are placed under the RCC roof shed to control noise levels.



- iv. Provided toilet facilities for the labours working in the unit.



- v. During the visit noise levels were monitored all around the unit and values are noted as LAeq 57.3 dB (A), Lmin.48.1dB (A), Lmax 71.4 dB (A). Reports enclosed as **Annexure-IV**.

3. The unit has not paid the Environmental Compensation of Rs.6, 85,500/- as imposed by the Board vide notice dt.14.03.2022.

It is therefore prayed this Hon'ble Tribunal may be please to record the report and pass appropriate orders in the matter.


ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office, Srikakulam
ENVIRONMENTAL ENGINEER
A.P.POLLUTION CONTROL BOARD
REGIONAL OFFICE
SRIKAKULAM

Item No.03:

Court No.2

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 232 of 2021 (SZ)

(Through Vide Conference)

IN THE MATTER OF:

Nakka Paparao

... Applicant(s)

Versus

Special Chief Secretary to Govt. of Andhra Pradesh &Ors.

...Respondent(s)

Date of hearing: 15.09.2022.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

None appeared

For Respondent(s):

Ms. Madhuri Donti Reddy for R1 to R4

Mr. L. Rajasekar and Mr. L.G. Sahadevan for R5.

ORDER

1. For filing of the report of the Andhra Pradesh Pollution Control Board after the inspection of the unit, the matter is adjourned to 30.09.2022.
2. Post the matter on 30.09.2022.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.232/2021 (SZ),
15th September, 2022. (AM)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR
AND
THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6671 OF 2022

Between:

M/s Manikanta Paper Products, Rep. by Smt. Vallampati Haritha, D/o. Venkataraju Boddepu, Aged 42 years Occ. Business, R/o H.No.130/18P, Main Road, Boddam village, Rajam Mandal, Srikakulam District-532148. **...PETITIONER**

AND

1. The State of Andhra Pradesh, rep by its Special Chief Secretary to Government, Environment, Forest, Science and Technology Department, Government of Andhra Pradesh Velagapudi, Guntur 522 237
2. The Member Secretary, Andhra Pradesh Pollution Control Board, D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada - 520 010
3. The District Collector, Srikakulam District, Collectorate Complex Srikakulam 532 001.
4. The Chairman/Managing Director, A.P. Eastern Power Distribution Company Ltd., D.No.50-27-5/1, TPT CVolony, Setammadhara, Vishkapatnam-530 013.
5. The Environmental Engineer, Regional Office, Andhra Pradesh Pollution Control Board, Plot No.32, D.No.16-13-25, 2nd Cross Road, Purushotham Nagar Colony, Gujarathipeta Village, Srikakulam-532 005.
6. Nakka Paparao, R/o Mokkal Street, Doddam Village, Rajam Mandal, Srikakulam District-532148.

R-6 impleaded as Respondent vide orders passed in I.A. No.2 of 2022 in W.P. No. 6671 of 2022 dt: 05/05/2022 **...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of mandamus or any other appropriate writ order or direction declaring the action of the 5th respondent in passing impugned order No117/APPCB/ROSKLM/2022-295, Dt.09.03.2022 for closure as illegal, arbitrary and violative of the provisions of Pollution Control Board as well as Articles, 14, 16 and 21 and Article 300-A of the Constitution of India and besides contrary to the women empowerment, self-employment and violation of the provisions of the Environmental Laws and consequently set aside the order passed by the 5th respondent dated 09.03.2022.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of the impugned order No.S-117/APPCB/ROSKLM/2022-295, Dt.09.03.2022 passed by the 5th respondent pending disposal of the writ petition.

Counsel for the Petitioner: SRI. AKULA KISHAN

Counsel for the Respondent Nos.1 and 3: GP FOR FORESTS

Counsel for the Respondent Nos.2 & 5: SRI V. SURENDRA REDDY, SC FOR PCB

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR
AND
THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION No.6671 OF 2022

ORDER: *(Per Hon'ble Sri Justice C.Praveen Kumar)*

Heard learned counsel for the petitioner and Sri V.Surendra Reddy, learned Standing Counsel for A.P. Pollution Control Board appearing for respondent Nos.2 and 5.

2. In spite of service of notice on respondent No.6 on 04.04.2022, there is no representation on his behalf. In fact, learned counsel for the petitioner placed before this Court, proof of service of notice in the form of acknowledgment card received by the 6th respondent on 04.04.2022. With the consent of the writ petitioner and learned Standing Counsel for A.P. Pollution Control Board, the present writ petition is disposed of at the admission stage.

3. Assailing the order dated 09.03.2022 passed by the 5th respondent for closure of the petitioner-Unit, the present writ petition is filed.

4. As seen from the averments in the affidavit filed in support of the writ petition, the petitioner herein established a paper plates and cups making unit in Boddam Village, Rajam Mandal, Srikakulam District. The petitioner claims to have obtained approval from District Industries Centre and Inspector of Factories apart from necessary approvals from the Gram Panchayat. It is said that the said unit was established with the financial assistance of Rs.17.50 lakhs for woman entrepreneur sponsored by

Khadi and Village Industries Commission. It is said that the unit is a Green Industry as per the classification made by the Pollution Control Board. While things stood thus, a *suo moto* case was registered by the Principal Bench of National Green Tribunal (NGT), New Delhi on the basis of letter written by the 6th respondent. The said case was made over to NGT, Chennai Bench where it was assigned number as O.A.No.232 of 2021. The NGT, Chennai Bench constituted a joint committee comprising of Joint Collector, Srikakulam, Revenue Divisional Officer, Palakonda Division, Srikakulam District and Environmental Engineer, A.P. Pollution Control Board Regional Office and others, who visited the premises of the petitioner on 29.12.2021 and suggested certain remedial measures. After series of inspections, the joint committee constituted by NGT suggested the petitioner to take some measures which were complied with and compliance report was sent by e-mail on 01.01.2022 to the 5th respondent.

5. While things stood thus, an order dated 09.03.2022 came to be issued by the 5th respondent for closing the unit and also for disconnection of the electricity supply. The same is sought to be challenged mainly on the ground that the 5th respondent, without verifying the ground position, passed the order impugned, which is illegal, improper and incorrect.

6. Sri V.Surendra Reddy, learned Standing Counsel for Pollution Control Board, placed before us certain documents through memo dated 16.03.2022. The contents of the memo filed by him read as under:

"It is respectfully submitted that, the above said writ petition is filed against the closure order of cottage industry and it comes under white category of Small-Scale Industry (SSI) and the industry does not emanate any sort of environmental pollutions as contemplated under Water Act and Air Act respectively. It got the instructions and placed along with this memo vide Memo No.51/APPCB/CFE/HO/66CAT/2017 dated 08.08.2017. The memo says, after withdrawing the powers delegated to the General Manager, District Industrial Committee, entrusted to APPCB, since it comes under white category industry and all the SSIs required an acknowledgment alone from the APPCB to start the said cottage industry. It is further place on record that, the petitioner SSI do not have that acknowledgment and request this Hon'ble Court to set aside the impugned order and further direct the 5th respondent herein to give the power supply to the house of the SSI and further direct the petitioner to get that SSI Acknowledgment as enclosed from the 5th respondent, while considering the plea of the petitioner within the time as specified by this Hon'ble Court.

For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to consider the above said Memo along with two supplementary documents placed along with this Memo and pass such other order or orders as deem fit and proper in the circumstances of the case."

7. Along with the memo, two documents came to be filed. The 1st document relate to proceedings dated 08.08.2017, which shows that the Government has withdrawn the power delegated to General Manager, District Industrial Committee. The contents of the said proceedings, read as under:

"In the reference cited, the Government have withdrawn the powers delegated to GM, DICs to issue acknowledgments on behalf of APPCB to non-polluting SSI units, other than the 66 categories of polluting SSI units. A copy of the said G.O., is enclosed.

All the Regional Officers are directed as follows:

to issue acknowledgments to the non-polluting SSI units, other than the 66 categories of polluting SSI units within 5 days in the enclosed format with the following condition without any inspection and clarification.

The industries shall not be located in residential areas as per G.O.Ms.No.63, dt.02.05.1995 issued by Industries & Commerce (SSI) Dept., Govt. of A.P. A copy of the G.O. is enclosed.

Acknowledgment to white category of industries is not required as they were exempted from Consent Management by the CPCB in revised categorization of industries i.e., Red/Orange/Green/White categories. A letter from the proponent is sufficient as instructed earlier and it is for intimation purpose only.”

8. The 2nd document is a proforma of acknowledgment. A reading of these two documents coupled with the contents of the memo would show that the unit of the petitioner falls under ‘Green’ category and that the industry does not emanate any sort of environmental pollutions as contemplated under Water Act and Air Act. The said memo also indicates that after withdrawing the powers delegated to General Manager, District Industrial Committee, the same are entrusted to A.P. Pollution Control Board, as it comes under white category industry, and all the SSIs required and acknowledgment alone from the A.P. Pollution Control Board to start the said cottage industry. Hence, we feel that it is a fit case where the order impugned is liable to be set aside.

9. Accordingly, the Writ Petition is allowed setting aside the impugned order. The 5th respondent is directed to restore the power supply to the petitioner-Unit within a week from today and

allow the unit to run. It is made clear that this order will be subject to result of O.A.No.232 of 2021, which is pending before National Green Tribunal, Chennai Bench. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Sd/- M.SURYANADHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Chief Secretary to Government, Environment, Forest, Science and Technology Department, State of Andhra Pradesh, Government of Andhra Pradesh Velagapudi, Guntur 522 237
2. The Member Secretary, Andhra Pradesh Pollution Control Board, D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada - 520 010
3. The District Collector, Srikakulam District, Collectorate Complex Srikakulam 532 001.
4. The Chairman/Managing Director, A.P. Eastern Power Distribution Company Ltd., D.No.50-27-5/1, TPT CVolony, Setammadhara, Vishkhapatnam-530 013.
5. The Environmental Engineer, Regional Office, Andhra Pradesh Pollution Control Board, Plot No.32, D.No.16-13-25, 2nd Cross Road, Purushotham Nagar Colony, Gujarathipeta Village, Srikakulam-532 005.
6. One CC to SRI. AKULA KISHAN, Advocate [OPUC]
7. Two CCs to GP FOR FORESTS, High Court of Andhra Pradesh. [OUT]
8. One CC to SRI. V. SURENDRA REDDY, SC FOR PCB [OPUC]
9. Two CD Copies

Chp
gl

HIGH COURT

DATED:05/05/2022

ORDER

WP.No.6671 of 2022

ALLOWING THE W.P. WITHOUT COSTS

11
10/5/22
vs



ఆంధ్ర ప్రదేశ్ తూర్పు ప్రాంత విద్యుత్ పంపిణీ సంస్థ
Eastern Power Distribution Company of Andhra Pradesh Limited

(A Govt. of A.P. Enterprise & An ISO 9001:2015 & ISO 27001:2013 Certified Company) CIN:U40109AP2000SGC034117

From
Assistant Engineer,
Operation Section,
Rajam Rural.



To
The Superintending Engineer,
Operation Circle,
Srikakulam.

Lr. No.AE/O/RAJAM RURAL / F.Doc. /D.No. 171 /22, Dt: 12.05.2022

Sir,

Sub:- APEPDCL - Operation Section Rajam Rural - W.P. No. 6671 of 2022
RESTORED THE POWER SUPPLY - Information submitted - Regarding.

Ref:- 01.APCB order No.S-117/APPCB/RO-SKL/2022 , Dt.12.05.2022.

& & &

It is to submitted that the APPCB has been issued a notice for Restoration of Power supply to the above unit vide reference 1st cited, Based on the directions of APPCB the power supply was restored to the unit of M/s. Manikanta Paper Products, Boddam (V) on 12.05.2022. The Initial readings are here with communicated KWH - 541900, KVAH-566526, MD-0.0.

This is submitted for favour of information please.

Yours faithfully,

Assistant Engineer,
Operation::Rajam Rural.

Copy submitted to

The Andhra Pradesh Pollution Control Board/Regional Office/Srikakulam for favour of information please.

The Executive Engineer/O/Palakonda for favour of information please.

The Dy. Executive Engineer/OSD/Rajam for favour of information please.

AEE
5311
23/5/22



CASELLA
 CEL-633C/IP v031-04
 Serial number 4806743
 Response Freefield
 Start

17-Sep-2022 10:11:03
 Duration 0:01:32
 Pause duration 0:00:00
 Overload No Run 100

CALIBRATION

Before
 17-Sep-2022 10:08:48

RESULTS (dB)

L_{Aeq} 59.8
 L_{AFmax} 71.8
 L_{AFmin} 55.3
 L_{AE} 79.5

Location East
 GPS

Operator Name


 Signature

Witness



CASELLA
 CEL-633C/IP v031-04
 Serial number 4806743
 Response Freefield
 Start

17-Sep-2022 10:23:52
 Duration 0:01:05
 Pause duration 0:00:00
 Overload No Run 106

CALIBRATION

Before
 17-Sep-2022 10:08:48

RESULTS (dB)

L_{Aeq} 57.3
 L_{AFmax} 71.4
 L_{AFmin} 48.1
 L_{AE} 75.4

Location north
 GPS

Operator Name


 Signature

Witness



CASELLA
 CEL-633C/IP v031-04
 Serial number 4806743
 Response Freefield
 Start

17-Sep-2022 10:21:02
 Duration 0:00:16
 Pause duration 0:00:08
 Overload No Run 103

CALIBRATION

Before
 17-Sep-2022 10:08:48

RESULTS (dB)

L_{Aeq} 65.3
 L_{AFmax} 72.6
 L_{AFmin} 61.2
 L_{AE} 74.7

Location South
 GPS

Operator Name


 Signature

Witness

CASELLA
 CEL-633C/IP v031-04
 Serial number 4806743
 Response Freefield
 Start

17-Sep-2022 10:14:05
 Duration 0:05:12
 Pause duration 0:00:00
 Overload No Run 101

CALIBRATION

Before
 17-Sep-2022 10:08:48

RESULTS (dB)

L_{Aeq} 60.9
 L_{AFmax} 76.3
 L_{AFmin} 49.1
 L_{AE} 85.8

Location West side
 GPS

Operator Name