

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

ORIGINAL APPLICATION No. 24 OF 2023 (SZ)

Between:

Kosgi Venkataiah,
Mudireddypally (V), Rajapur (M),
Mahabubnagar District & Others.

... Petitioner

AND

Union of India,
rep. by its Secretary,
New Delhi & others

... Respondents

**REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD
(RESPONDENT No. 4)**

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Place: Hyderabad

Date: 08-05-2024



COUNSEL FOR RESPONDENT No. 4

1

REPORT DATED 08-05-2024 OF THE TELANGANA STATE POLLUTION CONTROL BOARD (TSPCB) IN THE ORIGINAL APPLICATION No. 24 OF 2023 FILED BY SRI KOSGI VENKATAIAH & OTHERS Vs UNION OF INDIA & OTHERS.

It is submitted that the Hon'ble NGT, Chennai has registered an OA No 24 of 2023, filed by Sri.KosgiVenkatesh & others before the Hon'ble NGT against the industries located in IP Polepally SEZ, Jadcherla, Mahabubnagar District.

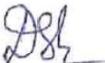
The Respondent Board filed its report dated 11.10.2023. The Hon'ble NGT vide order dated 14.03.2024 has taken on record the report filed by the Respondent Board and directed TSPCB to verify through the SEIAA Telangana whether the Polepally SEZ, Jadcherla Mandal, Mahabubnagar District has obtained EC before allotting to the individual industries.

The SEIAA, Telangana vide mail dated 07.05.2024 (**Annexure-I**) submitted the status of EC of Industrial Park by M/s. TSIIC, SEZ Polepally as follows: -

1. SEIAA issued TOR vide Order dt.22.03.2021 for Development of Industrial Park by M/s.TSIIC at Sy.No.408 - 412, 418 - 435, 437 - 445, 452 - 459 of Polepally (V), Jadcherla (M) & Sy.No.588-630 of Rajapur (V) of Balanagar (M), Mahaboobnagar District. The copy of the TOR is placed as **Annexure-II**.
2. TOR is issued as violation category as per S.O.804 (E), 14.03.2017 & S.O.1030 (E), 08.03.2018 with public hearing & credible action.
3. The proponent undergone the process of Public hearing on 11.07.2023.
4. The proponent not yet submitted final EIA Report and not yet applied for EC to SEIAA, Telangana.

Date: 08-05-2024.

Place: Hyderabad


ENVIRONMENTAL ENGINEER (I/C)

ENVIRONMENTAL ENGINEER (I/C)
Telangana State Pollution Control Board
Regional Office: Hyderabad,
4th Floor, Spoorthi Bhavan,
Hyderabad Collectorate Complex,
Lakdikapul, Hyderabad - 500 004

TSPCB -- Legal -- Hon'ble NGT, Chennai -- OA No. 24 of 2023 filed by Kosgi Venkataiah & others Vs Union of India & others -- Order dated 14.03.2024 -- Communicated -- Reg.

2

Annexure - I

G Gangadhar <jcee2-tspcb@telangana.gov.in>
To: tspcbseeunit2@gmail.com
Cc: makamvenkat69 <makamvenkat69@gmail.com>

Tue, May 7, 2024 at 6:43 PM

JCEE/Sir,

It is to inform that as per the records verified in connection with Industrial Park by M/s. TSIIC, SEZ Polepally, the status of EC is furnished as follows:

1. SEIAA issued TORs vide order dt.22.03.2021 to Development of Industrial Park by M/s. TSIIC at Sy.No.408 - 412, 418 - 435, 437 - 445, 452 - 459 of Polepally (V), Jadcherla (M) & Sy.No.588-630 of Rajapur (V) of Balanagar (M), Mahaboobnagar District.
2. TOR issued as violation category as per S.O.804 (E), 14.03.2017 & S.O.1030 (E), 08.03.2018 with public hearing & credible action.
3. The proponent undergone the process of Public hearing on 11.07.2023.
4. The proponent not yet submitted final EIA Report and not yet applied for EC to SEIAA, Telangana.

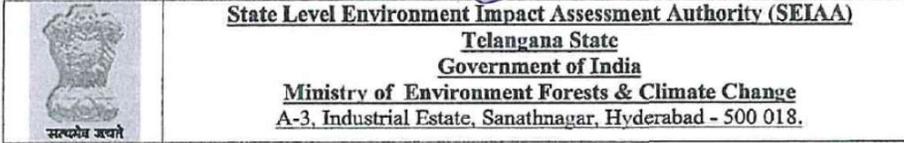
With regards,

G. Gangadhar,
JCEE, TSPCB.

From: tscee-tspcb@telangana.gov.in, ctc-tspcb@telangana.gov.in, "tspcb legal ee" <tspcb.legal.ee@gmail.com>
Sent: Saturday, March 30, 2024 1:29:34 PM
Subject: TSPCB -- Legal -- Hon'ble NGT, Chennai -- OA No. 24 of 2023 filed by Kosgi Venkataiah & others Vs Union of India & others -- Order dated 14.03.2024 -- Communicated -- Reg.

[Quoted text hidden]

 **TORs - Development of Industrial Park by Ms. TSIIC., Polepally Rajapur (V), Mahaboobnagar Dist.pdf**
500K



REGD.POST WITH ACK.DUE

Annexure-II

Order No. SEIAA/TS/OL/MBNR-39/2021-

Dt:22.03.2021.

Sub: SEIAA – Development of Industrial Park by M/s. TSIIC at Sy. No. 408 - 412 , 418 - 435, 437 - 445, 452 - 459 of Polepally (V) of Jadcherla (M) & Sy. No. 588 - 630 of Rajapur (V) of Balanagar (M), Mahaboobnagar District – TORs issued with public hearing - Reg.

* * *

- I. This has reference to your proposal No. SIA/TG/NCP/23911/2018, dt. **11.04.2018** (received on **17.04.2018**) submitted to the SEIAA, Telangana seeking Terms of Reference (ToR) in terms of the provisions of the Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986. The project is for Development of Industrial Park by M/s. TSIIC at Sy. No. 408 - 412 , 418 - 435, 437 - 445, 452 - 459 of Polepally (V) of Jadcherla (M) & Sy. No. 588 - 630 of Rajapur (V) of Balanagar (M), Mahaboobnagar District.
- II. The proposal for grant of Terms of Reference (ToR) to the proposed project was considered by the State level Expert Appraisal Committee (SEAC) in its meetings held on 06.09.2019, 24.12.2019 & 19.02.2021. The SEAC in its meeting held on 19.02.2021 observed the following:

The representative of the project proponent Sri D. Srinivasulu; and Smt. Kavitha, Smt. Shaheeda Begum & Smt. Reshma Thakur of M/s. EPTRI, Hyderabad attended and made a presentation before the SEAC.

During presentation, the proponent informed that:

- *TSIIC initiated the process of environmental clearance for the erstwhile IP, Jadcherla, with an area of 386.2 Ha. (Ac. 954.23) with certain areas already under development.*
- *The development of the IP at Jadcherla had commenced in 2007. Individual Industries have obtained CFE & CFO from the State PCB before starting up the industry.*
- *The industrial park is allotted to 92 units out of which around 19 units are under operation.*
- *The industrial park include following Orange category industries:*
 - *Pharma Formulation SEZ: Pharmaceutical Formulation production of Tablets, Capsules & Injectables, Pellets, Capsules tablets and liquid formulation.*
 - *Industries Onsite SEZ: Frozen desserts, Ice creams, Blade stainless steel, blades, shavings other than stainless steel Razors, Thin Films, Liquid Nitrogen, Liquid Oxygen and Oxygen gas.*
- *Keeping in view of the S.O. 804 (E) dt.14.03.2017 and S.O.1030 (E), dt.08.03.2018 issued by the MoEF&CC, GoI, they have submitted application for EC, as they comes under Violation of EC.*

The proponent has applied for TORs under violation on 17.04.2018 the proposal was considered in the SEAC meeting held on 06.09.2019. The sub-committee constituted by the SEAC inspected the site on 03.09.2019 and submitted the report.

Earlier, the SEAC in its meeting held on 24.12.2019 informed the proponent to revise the layout as per the recommendations of Sub-Committee and submit the same along with Commitment for providing CETP.

The proponent vide lr.dt.12.02.2021 submitted revised layout along with Commitment for providing CETP.

After detailed discussions, the SEAC recommended for issue of standard terms of reference (TORs) with following Specific Terms of Reference.

Specific Terms of Reference:

- (i) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC (if Credible Action was not initiated).
- (ii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority.
- (iii) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
- (iv) Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- (v) The remediation plan, the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
- (vi) Funds allocation for Corporate Environment Responsibility (CER) shall be made as per O.M. dt.01.05.2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in the EIA/EMP report.
- (vii) Detailed hydrological study to be carried out in core and buffer zone of the project as per recent GEC guidelines 2015.
- (viii) The project proponent shall undergo the process of public hearing in consultation with the TSPCB, as per EIA notification, 2006 and its subsequent amendments. The project proponent shall include commitments made by the project proponent on issues raised during Public hearing in a tabular form in the EIA/EMP report.
- (ix) The project proponent shall give an Undertaking by way of affidavit to comply with all the statutory requirements and Judgment of Hon'ble Supreme Court dt. 02.08.2017 in Writ Petition (Civil) No. 114 of 20 14 in the matter of Common Cause versus Union of India and Ors. before grant of ToR/ EC, as per OM dt.30.05.2018. The Undertaking inter-alia includes Commitment of the project proponent not to repeat any such violation in future.
- (x) In case of violation of above undertaking by the project proponent, the ToR/Environmental Clearance shall be liable to be terminated forthwith.
- (xi) State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgement of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.

- III. Accordingly, the proposal along with recommendations of SEAC, Telangana was examined by the State level Environment Impact Assessment Authority (SEIAA) in its meeting held on 16.03.2021 and observed the following:

The SEIAA examined the recommendations of SEAC in detail and noted that the project is considered as a violation case and to be processed according to the S.O.804 (E), dt.14.03.2017 & S.O.1030 (E), dt.08.03.2018. The SEIAA approved for issue of TORs."

- IV. In view of the above, **the SEIAA, Telangana hereby accords ToRs with public hearing to the project** for preparation of the Environment Impact Assessment (EIA) Report and Environment Management Plan (EMP). The standard terms of reference (TORs) and general guidelines for preparation of EIA & EMP report are as following:

STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT IMPACT ASSESSMENT STUDY FOR INDUSTRIAL ESTATES/ PARKS/ COMPLEXES/ AREAS, EXPORT PROCESSING ZONES (EPZS), SPECIAL ECONOMIC ZONES (SEZS), BIOTECH PARKS, LEATHER COMPLEXES AND INFORMATION TO BE INCLUDED IN EIA/EMP REPORT

- 1) Reasons for selecting the site with details of alternate sites examined/rejected/selected on merit with comparative statement and reason/basis for selection. The examination should justify site suitability in terms of environmental damage, resources sustainability associated with selected site as compared to rejected sites. The analysis should include parameters considered along with weight age criteria for short-listing selected site.
- 2) Submit the details of the land use break-up for the proposed project. Details of land use around 10 km radius of the project site. Analysis should be made based on latest satellite imagery for land use with raw images. Check on flood plain of any river.
- 3) Submit details of environmentally sensitive places, land acquisition status, rehabilitation of communities/ villages and present status of such activities.
- 4) Examine the impact of proposed project on the nearest settlements.
- 5) Examine baseline environmental quality along with projected incremental load due to the project taking into account of the existing developments nearby.
- 6) Environmental data to be considered in relation to the project development would be (a) land, (b) groundwater, (c) surface water, (d) air, (e) bio-diversity, (f) noise and vibrations, (g) socio economic and health.
- 7) Submit a copy of the contour plan with slopes, drainage pattern of the site and surrounding area, and any obstruction of the same by the project.
- 8) Details regarding project boundary passing through any eco- sensitive area and within 10 km from eco- sensitive area.
- 9) Green buffer in the form of green belt to a width of 15 meters should be provided all along the periphery of the industrial area. The individual units should keep 33% of the allotted area as a green area.
- 10) Submit the details of the trees to be felled for the project.
- 11) Submit the details of the infrastructure to be developed.
- 12) Submit the present land use and permission required for any conversion such as forest, agriculture etc.
- 13) Submit details regarding R&R involved in the project
- 14) Zoning of the area in terms of 'type of industries' coming-up in the industrial area based on the resource requirement along with likely pollutants with quantity from the various industries.
- 15) The project boundary area and study area for which the base line data is generated should be indicated through a suitable map. Justification of the parameters, frequency and locations shall be discussed in the EIA.
- 16) Submit Legal frame work for the implementation of Environmental Clearance conditions - to be clearly spelt out in the EIA report.
- 17) Submit Roles and responsibility of the developer etc for compliance of environmental regulations under the provisions of EP Act.
- 18) Site justification of the identified industry sectors from environmental angle and the details of the studies conducted if any.
- 19) Ground water classification as per the Central Ground Water Authority.
- 20) Submit the source of water, requirement vis-à-vis waste water to be generated along with treatment facilities, use of treated waste water along with water balance chart taking into account all forms of water use and management.
- 21) Rain water harvesting proposals should be made with due safeguards for ground water quality. Maximize recycling of water and utilization of rain water. Examine details.
- 22) Examine soil characteristics and depth of ground water table for rainwater harvesting.
- 23) Examine details of solid waste generation treatment and its disposal.
- 24) Examine and submit details of use of solar energy and alternative source of energy to reduce the fossil energy consumption.

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- 25) In case DG sets are likely to be used during construction and operational phase of the project, emissions from DG sets must be taken into consideration while estimating the impacts on air environment. Examine and submit details.
- 26) Examine road/rail connectivity to the project site and impact on the traffic due to the proposed project. Present and future traffic and transport facilities for the region should be analysed with measures for preventing traffic congestion and providing faster trouble free system to reach different destinations in the city.
- 27) A detailed traffic and transportation study should be made for existing and projected passenger and cargo traffic.
- 28) Examine the details of transport of materials for construction which should include source and availability.
- 29) Examine the details of National Highways/State Highways/ expressways falling along the corridor and the impact of the development on them.
- 30) Examine noise levels - present and future with noise abatement measures.
- 31) Identify, predict and assess the environmental and sociological impacts on account of the project. A detailed description with costs estimates of CSR should be incorporated in the EIA / EMP report.
- 32) Examine separately the details for construction and operation phases both for Environmental Management Plan and Environmental Monitoring Plan with cost and parameters.
- 33) Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.
- 34) The Public hearing should be conducted for the project in accordance with provisions of Environmental Impact Assessment Notification, 2006 and the issues raised by the public should be addressed in the Environmental Management Plan. The Public Hearing should be conducted based on the TOR letter issued by the Ministry and not on the basis of Minutes of the Meeting available on the web-site.
- 35) A detailed draft EIA/EMP report should be prepared in accordance with the above additional TOR and should be submitted to the Ministry in accordance with the Notification.
- 36) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- 37) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- 38) Any further clarification on carrying out the above studies including anticipated impacts due to the project and mitigative measure, project proponent can refer to the model ToR available on Ministry website "<http://moef.nic.in/Manual/Industrial Estate>".

Specific Terms of Reference:

- (i) *The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC (if Credible Action was not initiated).*
- (ii) *The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority.*
- (iii) *Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.*

- 7
- (iv) Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- (v) The remediation plan, the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
- (vi) Funds allocation for Corporate Environment Responsibility (CER) shall be made as per O.M. dt.01.05.2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in the EIA/EMP report.
- (vii) Detailed hydrological study to be carried out in core and buffer zone of the project as per recent GEC guidelines 2015.
- (viii) The project proponent shall undergo the process of public hearing in consultation with the TSPCB, as per EIA notification, 2006 and its subsequent amendments. The project proponent shall include commitments made by the project proponent on issues raised during Public hearing in a tabular form in the EIA/EMP report.
- (ix) The project proponent shall give an Undertaking by way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dt. 02.08.2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. before grant of ToR/ EC, as per OM dt.30.05.2018. The Undertaking inter-alia includes Commitment of the project proponent not to repeat any such violation in future.
- (x) In case of violation of above undertaking by the project proponent, the ToR/Environmental Clearance shall be liable to be terminated forthwith.
- (xi) State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
- V. The above ToR should be considered for preparation of EIA Report in addition to all the relevant information as per the 'Generic Structure of EIA' given in Appendix III and IIIA in the EIA Notification, 2006 & its subsequent amendments.
- VI. The consultants involved in preparation of EIA/EMP report after accreditation with Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other Organization(s)/ Laboratories including their status of approvals etc., vide Notification dt. 19.07.2013 of the MoEF&CC.
- vii. The project proponent shall submit the detailed final EIA/EMP prepared as per ToRs, to the SEIAA / SEAC for considering the proposal for Environmental Clearance within 3 years, as per the O.M. No.J-11013/41/2006-IA-11(1) (P) dt. 08.10.2014 of the MoEF&CC, GoI.
- VIII. The prescribed ToRs would be valid for a period of three (03) years for submission of the EIA/EMP Reports.

Yours faithfully
Sd/-
MEMBER SECRETARY
SEIAA, T.S.

To
Development of Industrial Park by M/s. TSIIC
Sy. No. 408 - 412 , 418 - 435, 437 - 445, 452 - 459
of Polepally (V) of Jadcherla (M) & Sy. No. 588 - 630 of Rajapur (V)
of Balanagar (M), Mahaboobnagar District

Copy to:

1. Prof. Ch. Krishna Reddy, Chairman, SEAC, T.S. for kind information.
2. The Member Secretary, TSPCB for kind information.
3. The EE, RO: HYD, TSPCB for information.
4. The Regional Officer, MoEF&CC, GOI, Chennai for kind information.
5. The Secretary, MoEF&CC, GOI, New Delhi for kind information.
6. The Special Chief Secretary to Govt., EFS&T Dept., GoTS for kind information.

//T.C.F.B.O.//


JOINT CHIEF ENVIRONMENTAL ENGINEER

Item No.14:-

⑧
**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Amendment - III

Original Application No. 24 of 2023 (SZ)

IN THE MATTER OF:

Kosgi Venkataiah,
Telangana and Anr.

...Applicant(s)

Versus

Union of India,
Rep. by its Secretary,
MOEF & CC, New Delhi and ors.

...Respondent(s)

Date of hearing: 14.03.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Ms. Pranali Tayade.

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff for R1.
Mr. Mohamed Aathic represented
Mrs. H. Yasmeen Ali for R2 & R6.
Mr. D.S. Ekambaram for R3.
Ms. C.P. Kavitha Renjini represented
Mr. T. Sai Krishnan for R4.
Mrs. T. Hemalatha for R7.
Mr. Srawvvan for R12.
Mr. B. Prashant Nadaraj Angad Ahluwalia for R14.

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ORDER

1. The Telangana State Pollution Control Board (TSPCB) has filed a report, wherein it is stated that the 14th Respondent unit is falling under the 'Green' Category. Therefore, they do not come under the purview of the EIA Notification, 2006, whereas the report of the MoEF&CC would say that if the SEZ in question which includes the respondent industries fulfill the criteria as per the Entry 7(c) and 5 (f) of the Schedule, then the provisions of the EIA Notification, 2006 shall be attracted. It is not clear whether the SEZ per se had obtained the EC when it was developed.
2. Except the Respondent No.14, the rest of the private respondents have not yet filed their reports. Let the reports be filed before the date of next hearing.
3. In the meanwhile, let the Telangana SPCB verify through the SEIAA - Telangana, whether the SEZ has obtained EC before allotting to the individual industries.
4. Let the MoEF&CC also be clear as to whether the industries that are using biological resources have entered into the benefit-sharing agreement.
5. Post the matter on 09.05.2024.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.24/2023(SZ)
14th March 2024. AD.