

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.

O.A. No. 28 of 2021

IN THE MATTER OF:

1. Kuruba Shiva Reddy,
R/o. Nemekallu,
Bommanhal Mandal, Ananthapur District,
Andhra Pradesh-515 871.
Mail:siva.nas99@gmail.com
Mobile: 9494815592.
2. Vasa KurbaHirdalappa,
R/o. Nemekallu,
Bommanhal Mandal, Ananthapur District,
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3. Seenu,
R/o. Nemekallu,
Bommanhal Mandal, Ananthapur District,
Andhra Pradesh-515 871.
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Applicants

Versus

1. The State of Andhra Pradesh
Represented by its Chief Secretary,
Government Complex,
Velagapudi, Guntur District,
Andhra Pradesh – 522 503.
Email: cs@ap.gov.in
Tel: 0863 – 2444461.
2. The Andhra Pradesh Pollution Control Board
Rep. by its Member Secretary,
D.No.33-26-14/D2,
Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamvari Street, Kasturibaipet,
Vijayawada, Andhra Pradesh-520 010.
Mail: membersecy@appcb.gov.in
Phone: 08662463202.
3. Union of India
Rep. by its Secretary,
Ministry of Environment, Forest & CC,
Indira Paryavaran Bhavan,
Jorbagh, New Delhi-110 003,
Mail: secy-moef@nic.in
Phone: 011 – 24695262, 24695265.



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4. District Collector and Magistrate,
Bharmavaram Road,
Ananthpur, Andhra Pradesh-515 001
Phone: 9493188802.
Email: collector_antp@ap.gov.in
 5. M/s. SLV Steels & Alloys Pvt. Ltd.,
Rep. by its Managing Director,
Sy.No.13, 14, 16A, Nemekallu Village,
Bommanahali Mandal, Ananthapuram Dist.
Andhra Pradesh – 515 871,
Mail: slvsapl@gmail.com svlbellary@yahoo.co.in
 6. M/s. Sri RamanjaneyaIspat Pvt. Ltd.,
Rep. by its Managing Director,
Sy. No.17A & B, 14, 16A, Nemekallu Village,
Bommanahali Mandal, Ananthapuram Dist.
Andhra Pradesh – 515 871,
 7. M/s. Venkata Sai Ispat Pvt. Ltd.,
Rep, by its Managing Director,
Nemekallu Village,
Bommanahali Mandal, Ananthapuram Dist.
Andhra Pradesh – 515 871,
Mail: Deepak.pulipati@venkatasaiispat.com
 8. M/s. Sai Balaji Sponge Iron (I) Pvt. Ltd.,
Rep. by its Managing Director,
Sy. No.36, Hirdehal Village, Hirehal (M),
Ananthapuram District, Andhra Pradesh-515 865.
Mail: saibalaji369@gmail.com
Phone: 9448356126.
 9. M/s. RAVs Steel Pvt. Ltd.,
Rep. by its Managing Director,
Sy No.4,5 & 7, Hirdehal Village, Hirehal (M),
Ananthapuram District,
Andhra Pradesh-515 865.
- Respondents

COUNTER FILED BY THE SECOND RESPONDENT

I, P. Usman Ali Khan, son of Late P. Mahaboob Khan, aged about 59 years, holding the post of Environment Engineer, Andhra Pradesh Pollution Control Board (APPCB), Regional Office at Anantapuramu, do hereby solemnly affirm and sincerely state as follows:

2. I am the deponent herein and as such I am well acquainted with the facts of the case and competent to swear to this counter affidavit. I have been authorized to file this counter affidavit on behalf of the 2nd respondent.


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3. This respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit.

4. With regard to the averments made in paragraphs I to V of the affidavit are only narration of facts and hence no comments.

5. With regard to the averment made in paragraph VI(1) of the affidavit, it is submitted that there are 5 nos. of sponge iron units located adjacent to each other as a cluster in Nemaikallu Village of Bommanahal Mandal and Hirdehal village of D. Hirehal Mandal of Ananthapuram District. The nearest habitations from this cluster of sponge iron units are Nemaikallu village of Bommanahal Mandal and Hirdehal village of D. Hirehal Mandal. The Nemaikallu village is about 3.6 kms in South Eastern direction and Hirdehal village is about 3.2 kms in South West directions from this cluster of sponge iron units. The Google Map depicting location of the sponge iron units and nearby habitations is attached as **Annexure-1**.

Out of the 5 sponge iron units existing in the cluster only 3 units are in operation and remaining 2 units viz., Sri Ramanjaneya Ispat Pvt. Ltd., and M/s. Rav's Steels Pvt. Ltd., are not in operation presently. The details of the Sponge Iron units and their permitted production capacities, Environmental Clearance (EC) order, consent for Establishment (CFE) and the latest consent for operation (CFO) issued to each of these Sponge Iron Units are as follows:

i) In so far as M/s SLV Steels and Alloys Private Limited located in Sy. No.13, 14 and 16A, Nemaikallu Village, Bommanahal Mandal, Ananthapuram District is concerned, the permitted capacity of the sponge iron is 66000 ton per annum (or) 200 TPD. The industry obtained Environmental Clearance from MoEF, Government of India vide order dated 30.08.2010 for setting up of sponge iron plant with the above capacity. The CFE to the industry was issued on 13.09.2011 by the APPCB.

The industry was issued with CFO on 06.09.2016 and the same was renewed vide order dated 06.11.2018 for a period upto 31.12.2020. The latest CFO order to the industry was issued on 20.01.2021 with a validity upto 31.12.2025 stipulating conditions.


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ii) In so far as M/s Sri RamanjaneyaIspat Pvt. Limited, located in Sy. No.17A & B, 14 and 16A, NemaKallu village, Bommanhal Mandal, Ananthapuram District is concerned, the permitted sponge iron capacity is 66000 TPA (or) 200 TPD along with captive power plant of 8 MW. The industry obtained Environmental Clearance from MoEF, Govt. of India vide order dated 27.08.2010 for setting up of sponge iron plant with the above capacity. The CFE to the industry was issued on 13.09.2011 by APPCB. The industry was issued with CFO on 06.05.2017 with a validity upto 31.03.2022 stipulating conditions.

iii) In so far as M/s Venkatasai Ispat Industries Pvt. Limited located in Sy. No.16B2, 17/A, 18A, 18C and 26A etc., NemaKallu village, Bommanhal Mandal, Ananthapuram District is concerned, the permitted sponge iron capacity is 66000 TPA (or) 200 TPD. The industry obtained Environmental Clearance from MoEF, Govt. of India vide order dated 27.08.2010 for setting up of sponge iron plant with the above mentioned capacity along with 8 MW captive power plant.

The industry was issued with CFO on 03.10.2013, 06.06.2016, 29.08.2018 and the latest was issued on 28.06.2019 with a validity upto 30.04.2022 stipulating conditions.

iv) In so far as M/s Sai Balaji Sponge Iron (India) Pvt. Ltd., located in Sy. No.36, Hirdehal village, D. Hirehal Mandal, Ananthapuram District is concerned, the permitted sponge iron capacity is 66000 TPA (or) 200 TPD. The industry obtained Environmental Clearance from MoEF, Govt. of India vide order dated 31.08.2010 for setting up of sponge iron plant with the above mentioned capacity. The industry obtained CFE of the Board vide order dated 13.09.2011 from APPCB. The industry was issued with CFO on 06.09.2016 and the latest CFO to the industry was issued on 28.06.2017 with validity upto 30.06.2018 stipulating conditions. Subsequently, the Board vide order dated 22.05.2018 extended the validity of CFO order dated 28.06.2017 for a further period upto 30.06.2023.


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v) In so far as M/s Rav's Steels Pvt. Limited, located in Sy. No.5, 7 & 8, Hirehal, D. Hirdehal Village, D. Hirehal Mandal, Ananthapudam District is concerned, the permitted sponge iron is 66000 TPA (or) 200 TPD. The industry obtained Environmental Clearance from MoEF, Govt. of India vide order dated 31.08.2010 for setting up of sponge iron plant with the above mentioned capacity along with captive power plant of 8 MW. The industry obtained CFE of the Board vide order dated 13.09.2011 for setting up of sponge iron plant with the above mentioned capacity. The industry was issued with CFO and HWA of the Board vide order dated 06.09.2016 with a validity upto 31.03.2017 for manufacture of sponge iron. Subsequently, the industry applied for renewal and the Board vide order dated 16.07.2017 directed the industry to submit the Bank Guarantee to issue CFO and HWA upto 31.12.2017. The industry has submitted the Bank Guarantee for Rs.4.0 Lakhs on 06.12.2017 but the CFO was not issued by the Board as it submitted the BG very late.

6. The copies of the Environmental Clearance (EC) order, consent for Establishment (CFE), and the latest Consent for Operation (CFO) issued to each of the above 5 sponge iron units are attached as **Annexure-2**. It is submitted that these sponge iron units procure the raw material i.e. iron ore from nearby Iron Ore Mines in Andhra Pradesh-Karnataka Border and this iron ore is subjected to direct reduction by elemental carbon in the coal in the Direct Reduced Iron Kilns to produce Sponge Iron.

7. The Andhra Pradesh Pollution Control Board is regularly monitoring these Sponge Iron units under Randomized inspections apart from the regular inspection by the Regional Office, Ananthapuram and Zonal Office, Kurnool. The status of these Sponge Iron units was received by the External Advisory Committee (EAC) at Board Office, Vijayawada from time to time. It is submitted that the A.P. Pollution Control Board issued closure orders to the 5 sponge iron units in the cluster i.e. on 19.12.2015 and 09.01.2018 and issued revocation of closure order from time to time and permanent revocation of closure orders were issued to these 5 units on 27.02.2019 after reviewing the status of Pollution Control Measures taken by the industry, and representation of the

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Sponge Iron Units by the External Advisory Committee (EAC) of the Board. The chronology details of the action taken by the Board on each of the Sponge Iron unit such as closure issued, commitments/representations submitted by the units, revocation of closure orders issued for each of the sponge iron units etc., is enclosed as **Annexure-3**.

8. It is true that the Vigilance and Enforcement Department officials have verified the (i) SLV Steels and Alloys Pvt. Limited, Nemakallu village, Bommanhal Mandal, Ananthapuram District, ii) Venkatasai Ispat Industries Pvt. Ltd., Nemakkalu Village, Bommanhal Mandal, Ananthapuram District, iii) Sai Balaji Sponge Iron (India) Pvt. Ltd., Hirdehal Village, D. Hirehal Mandal, Ananthapuram District, iv) Rav's Steels Pvt. Ltd., Hirdehal Village, D. Hirehal Mandal, Ananthapuram District and other two sponge iron units in Ananthapuram District. The Vigilance and Enforcement Department vide alert note dated 12.06.2017 requested the Special Chief Secretary, EFS & T, Govt. of Andhra Pradesh to instruct the Member Secretary, A.P. Pollution Control Board:

- a) Not to issue revocation of closure orders to (i) M/s. Sai Balaji Sponge Iron Pvt. Limited until the pollution control equipment is erected.
- b) To initiate the action on M/s. Venkatsai ISpat Industries to comply with the pollution laws;

A copy of the alert note of General Administration (Vigilance & Enforcement) Department dated 12.06.2017 is enclosed as **Annexure-4**.

9. It is submitted that the Andhra Pradesh Pollution Control Board has reviewed the status pollution control measures taken by the Sponge Iron units and also examined the alert note of Vigilance and Enforcement Department, Govt. of Andhra Pradesh dated 12.06.2017 in the External Advisory Committee (Task Force) meeting of A.P. Pollution Control Board held on 28.12.2017. As per the recommendations of the Committee, the AP Pollution Control Board issued closure orders to i) SLV Steels & Alloys Pvt. Ltd., ii) Sri Ramanjaneya Ispat Pvt. Limited, iii) M/s. Sai Balaji Sponge Iron Pvt. Limited, iv) M/s. Rav's Steels Pvt. Limited vide order dated 09.01.2018 for operating the unit without


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completing the installation of Air Pollution Control Equipment inspite of ample opportunities and time given and causing pollution problems in the surroundings. Also, closure orders were issued to M/s. Venkatsai Ispat Pvt. Ltd., vide order dated 28.02.2017 for not complying with the directions issued by the Board. Subsequently, i) M/s. SLV Steel & Alloys Pvt. Ltd., ii) M/s. Sai Balaji Industries (India) Pvt. Limited have completed the installation of APCE to the DRI kilns and requested the Board vide letter dated 18.10.2018 for Revocation of Closure Order. Also M/s. Venkatsai Ispat Pvt. Limited have submitted representation to the Board regarding implementation of the Pollution Control measures. The Board vide order dated 31.01.2018 issued Temporary Revocation of Closure Orders to the i) SLV Steels & Alloys Pvt. Ltd., ii) M/s. Sai Balaji Sponge Iron Pvt. Ltd., iii) Venkatasai Ispat Pvt. Ltd., stipulating conditions. These 3 nos. of sponge iron units were reviewed by the EAC of the APPCB on 29.01.2019 and were issued with permanent Revocation of Closure orders stipulating conditions.

10. The Board vide order dated 22.01.2018 directed M/s. Ramanjineya Ispat Pvt. Limited to complete the erection of ESP to the DRI kilns and also to implement other pollution control measures. The status of the industry was reviewed by the EAC Committee on 29.01.2019 and the APPCB vide order dated 27.02.2019 issued Extension of Temporary Revocation of Closure Order to the industry for period of 3 months. M/s. Rav's Steels Pvt. Limited vide letter dated 01.02.2018 requested for power supply to complete the erection of ESP. The Board vide order dated 02.02.2018 has issued Temporary Revocation of Closure orders and the same was extended vide order dated 24.09.2018, 27.02.2019 and 09.10.2019.

11. With regard to the averment made in paragraph No.VI(2) of the affidavit, it is submitted that Nemaikallu Village is about 3.6 kms. away from this cluster Sponge Iron units and out of the 5 nos. of sponge iron units in the cluster, 3 nos. of units viz., i) M/s. SLV Steels & Alloys Pvt. Ltd., (ii) M/s. Venkatasai Ispat Pvt. Ltd., iii) M/s. Sai Balaji Sponge Iron Pvt. Ltd., have provided Air Pollution Control Equipment to the DRI kilns for controlling the release of Black Ash from the kilns. The remaining 2 units viz., Sri Ramanjaneya Ispat Pvt. Ltd., and M/s. Rav's Steels Pvt. Ltd., are not in operation presently.


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12. With regard to the averment made in paragraph No.VI(2)(i) of the affidavit, it is submitted that the APPCB has received the representation of Sri Sravan Kumar, Advocate, New Delhi regarding air pollution by the 5 sponge iron units namely, i) M/s. RAV's Steel Ltd., ii) M/s. Sai Balaji Sponge Iron Pvt. Ltd., iii) Sri Ramanjaneya Ispat Pvt. Ltd., iv) M/s.SLV Steels and Alloys Pvt. Limited and v) M/s. Venkatasai Ispat Industries Pvt. Limited near Nemakallu village of Ananthapuram District. He has also informed that the above industries are releasing dusty coal ash and iron dust due to lack of appropriate pollution control measures or non-utilization of pollution control measures and requested regular inspection of these industries by the officials of APPCB. The officials of Regional Office have attended the complaint on 23.07.2019 and 08.08.2019 and submitted detailed report to the Board Office, Vijayawada on 09.08.2019 for taking necessary action.

13. With regard to the averment made in paragraph No.VI(3)(i) & (3)(ii) of the affidavit, it is submitted that Sri. K. Nerimetla Govindappa, S/o. Eswarappa, Nemakallu village, Bommanahal Mandal, Ananthapuram District have filed complaint in Hon'ble Lokayukta regarding pollution problems from M/s. Rav's Steels Pvt. Limited. The Hon'ble Lokayukta vide order dated 13.07.2017 has disposed the complaint vide order dated 13.07.2017 as "no further investigation is necessary by this institution. But the Member Secretary, A.P. Pollution Control Board is directed to summon the complainant also along with the management of the aforesaid industry and only after hearing both the parties and making such enquiry as may be necessary by the External Advisory Committee (Task Force), further orders be passed". The industry was reviewed by the EAC Committee of the Board on 28.12.2017 and the industry was issued with closure order vide order dated 09.01.2018 for operating the unit without completing the installation of air pollution control equipment inspite of ample opportunities and time given and causing pollution problems in the surroundings. A copy of the orders of the Hon'ble Lokayukta and Agenda of the EAC Committee meeting on 28.12.2017 and representation of Sri Govindappa withdrawing the complaint against sponge iron units is attached as **Annexure-5**.



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14. With regard to the averment made in paragraph No.VI(4) of the affidavit, it is submitted that the APPCB/CPCB have issued siting guidelines for sponge iron industries and the compliance status of these sponge iron units to the sitting guidelines is as follows:-

Sitting guidelines	Compliance status
Residential habitation (residential localities/village) and ecologically and/or otherwise sensitive areas: A minimum distance of at least 1000 m (1.0 km) to be maintained.	Complied. It is submitted that there are 5 nos. of sponge iron units located adjacent to each other as a cluster in Nemakallu Village of Bommanahal Mandal and Hirdehal Village of D. Hirehal Mandal of Ananthapuram District. The nearest habitations from this cluster of sponge iron units are Nemkallu Village of Bommanahal Mandal and Hirdehal Village of D. Hirehal Mandal. The Nemakallu Village is at distance of about 3.6 kms in South Eastern direction and Hirdehal Village is about 3.2 kms in South West directions from this cluster. There are no ecologically and/or other sensitive area within 1 km from the cluster of sponge iron units.
The location of sponge iron plant should be at least 500 m away from National Highway and State Highway.	Complied. There are no National Highway/State Highway within 500 mts. from the cluster of sponge iron units.
Radial distance between two sponge iron plants should be 5 km for plants having capacity 1000 TPD or more.	Complied. There are 5 nos. of sponge iron units of capacity 200 TPD each in this cluster. There is no other sponge iron plant of capacity 1000 TPD or more within 5 kms from this cluster.

15. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.

It is therefore prayed that this Hon'ble Tribunal may be pleased to pass such further or other orders as deemed fit and proper in the facts and circumstances of the case and thus render justice.

Dated at _____ on this the _____ day of March, 2021.

COUNSEL FOR 2nd RESPONDENT

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SECOND RESPONDENT
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VERIFICATION

I, P. Usman Ali Khan, the Environmental Engineer, Andhra Pradesh Pollution Control Board, Regional Office, Ananthapuramu the 2nd respondent, do hereby verify that what are all stated above are true and correct to the best of my knowledge, information and belief.

Verified at _____ on this the _____ day of March, 2021.



SECOND RESPONDENT

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