

BEFORE THE NATIONAL GREEN TRIBUNAL. SOUTHERN ZONE, CHENNAI

APPEAL NO. 27 of 2023

Pasupulteti Suresh Babu

... Petitioner

-Vs-

MOEF and others

... Respondents

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The above said documents are all Certified and True copies of the Originals

Dated at Chennai on this the 19th day of January, 2024


Counsel for 8th Respondent

Item No.1:

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

Original Application No. 33 of 2016 (SZ)
(Through Video Conference)

IN THE MATTER OF:

Vakkanti Koteswar Rao
S/o. Narayana, Telarigana State

....Applicant(s)

Versus

Union of India
Ministry of Environment, Forests & Climate Change,
New Delhi and Ors.

Respondent(s)

For Applicant(s)

Mr. Vakkanti Koteswar Rao (Party in person)

For Respondent(s)

Mrs. M. Sumathi for R1

Mrs. H. Yasmeen Ali for R2, R3, R5, R6 & R9

Mr. T. Sai Krishnan for R4 & R7

Mr. P.J. Rishikesh for R8

Date of Judgment: 18th November, 2021

CORAM

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

HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER

ORDER

Judgment pronounced through Video Conference. The original application is disposed of with directions vide separate Judgment. Pending interlocutory application, if any, shall stand disposed of.

Sd/-

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

Sd/-

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

O.A. No.33/2016 (SZ),
18th November, 2021. Mn.

Item No.1:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

2

Original Application No. 33 of 2016 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Vakkanti Koteswar Rao
S/o. Narayana
H.No.2-8 Komatikunta (V),
Nereducharla Mandal,
Nalgonda District,
Telangana State.

Applicant(s)

Versus

- 1) Union of India,
Ministry of Environment, Forests & Climate Change,
Govt. of India, Rep. by its Secretary,
Parayawan Bhavan, CCO Complex, Lodhi Road,
New Delhi - 110 003.
- 2) Department of Forest
Rep. by its Secretary,
Hyderabad.
- 3) Department of Industries & Commerce,
Rep. by its Secretary,
Hyderabad.
- 4) Telangana State Pollution Control Board,
Represented by its Member Secretary,
Parayawan Bhavan,
A-3, Sanath Nagar,
Hyderabad - 500 018.
- 5) Department of Mines and Geology,
Rep. by its Director, Geology
8th Floor, BRK Bhavan,
Hyderabad, Telangana.
- 6) District Collector, Nalgonda,
Collector Building Complex,
Nalgonda, Telangana State.

7) Environmental Engineer,
Telangana State Pollution Control Board,
Regional Office, Nalgonda,
Sri Lakshmi Complex,
Near RTO Office, Sri Vinayaka Nagar,
Hyd. Road, Nalgonda.

8) Deccan Cements Limited
Rep. by its Chairman
Deccan Chambers
Opp. Nim's Hospital,
H.No.6-3-666/B, Somajiguda,
Hyderabad - 500 082.

9) The District Forest Officer,
Nalgonda District
Telangana State

(R9 *Suo Moto* impleaded by this Tribunal
as per order dt. 24.02.2016)

Respondent(s)

For Applicant(s):

Mr. Vakkanti Koteswar Rao (*Party in person*)

For Respondent(s):

Mrs. M. Sumathi for R1.

Mrs. H. Masmeen Ali for R2, R3, R5, R6 & R9.

Mr. T. Sai Krishnan for R4 & R7.

Mr. P.J. Rishikesh for R8.

Judgment Reserved on: 27th September, 2021.

Judgment Pronounced on: 18th November, 2021.

CORAM:

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

HON'BLE DR. K. SAIYAGOPAL, EXPERT MEMBER

Whether the Judgement is allowed to be published on the Internet - Yes/No

Whether the Judgement is to be published in the All India NGT Reporter - Yes/No

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JUDGMENT

Delivered by Justice K. Ramakrishnan, Judicial Member.

1. The applicant is a farmer and agriculturist and a resident in Nereducharla Mandal, Nalgonda District of Telangana State. He is an active member in protecting the interest of the people against the health hazards caused by cement companies in his locality. He filed this application to bring to the notice of this Tribunal regarding the drastic increase of pollutant in the ambient air such as particulate matter, Nitrogen Oxide, Sulphur Oxide, Carbon Monoxide, Carbon dioxide, Volatile Organic Compounds (VOC) and Green House Gases in air in the region of Nalgonda, on account of violations committed by the unit against the environmental laws and also to identify the cause and factors for increase and suggest the preventive measures to protect the environment.
2. The 8th Respondent viz., M/s. Deccan Cements Limited is a cement factory having its factory premises in the district of Nalgonda. On 18.12.2013, 8th Respondent represented by its Vice President (Works) entered into an alleged Mining Lease Agreement with the Divisional Forest Officer, Nalgonda Forest Division. On 20.12.2013, a Charge Certificate was issued and Compartment Nos. 26 & 27 of Saidulunama Reserve Forest having an extent of 183.11 Ha. (Ac. 452.43) was handed over to Mr. S. Venkateshwarlu, Vice President (Works) of M/s. Deccan Cements Limited, Bhavanipuram, Nalgonda District/8th Respondent as per the Proceedings of the Divisional Forest Officer, Nalgonda vide Rc. No.3242/2007/S1 dated 18.12.2013.

3. It was alleged in the application that the 8th Respondent Company is involved in the activities of manufacturing cement. The primary component of cement is limestone. To produce cement, limestone and other clay like materials are heated in a Kiln at 1400°C and then ground to form a lumpy, solid substance called Clinker. Clinker is then combined with gypsum to form cement. Enormous amount of heat is required to manufacture cement, producing a ton of cement requires 4.7 million BTU of energy, equivalent to about 400 pounds of coal and generates nearly a ton of carbon dioxide (CO₂). The production of cement releases greenhouse gas both directly and indirectly. Heating of limestone releases CO₂ directly, while burning of fossil fuels to heat in Kiln indirectly, results in CO₂ emissions. These gases are invisible and when released directly into the atmosphere creates air pollution and serious environmental issues.
4. The 8th Respondent company while producing tons of cement every day, releases huge amount of dust and CO₂ into the atmosphere which causes several environmental hazards to the environment and health hazards to the people located around the cement company. Though he made several attempts to curtail the emission of CO₂ by the companies, no action was taken in this regard. The 8th Respondent company uses earth vibrators, detonators, Ammonium Nitrate Fuel Oil (ANFO) and boosters for blasting purpose in the mining activity. Frequency level of these earth vibrators during the blasting activity are 7000 to 8000 mts per second. The mining area of the 8th Respondent company is located 1.02 Kms from the famous Janpahad Darga which is an ancient pilgrim centre in Telangana State. Hindus, especially Tribes and outnumbered Muslim devotees visit the Darga every day. The Darga which houses the tombs of Saheed Alis and Janpahad Saida with his disciples who attained martyrdom at this place

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more than 400 years ago. The festival of Urs is also being celebrated in this place since centuries. During the festival season, more than lakhs of people used to visit this area.

5. The 8th Respondent company submitted a Pre-Feasibility Report along with the application to the 4th Respondent, misguiding the Government authorities and clearly mentioned that the Janpahad Darga is located 3.6 Kms away from the plant site. The map showing the location of the Janpahad Darga in the Pre-Feasibility Report is produced as Annexure-A. But in fact, it is situated 1.02 Kms from the plant site. The mining and the use of high blasting materials disturbs the pilgrims and residents who came to Darga for worship. The activities of the 8th Respondent not only affected the people coming to Janpahad Darga, but also the residents and the farms situated in 10 Kms radius. Wazirabad, Minyalaguda and Ravipahad villages are in close proximity to the plant site. On account of the operation of the 8th Respondent's company, air as well as water in the locality has been contaminated, resulted in severe health problems in that area. As per the Consent for Operation issued by the Telangana State Pollution Control Board, the 8th Respondent is listed in entry 12 to the list of industries under "RED" category declared by the MoEF&CC and it is one of the highly polluting industries. The 8th Respondent as well as the official respondents are duty bound to protect environment and the 8th Respondent is expected to comply with the pollution norms while operating their unit.
6. Though complaints were made to the District Collector and other authorities to take action against the 8th Respondent for not complying with the pollution norms and causing pollution in the locality, evidenced by Annexure - B, no action was taken. The applicant filed a RTI

application on 18.02.2015, seeking clarification of the location of Janpahad Darga from the mining area to which the Forest Department, Telangana State had replied stating that it is located 1.02 Kms from the mining area evidenced by Annexure - C. The applicant filed another RTI Application on 04.12.2015, seeking information of the equipments used by the 8th Respondent to control dust and gases, to which the Telangana State Pollution Control Board, Regional Office, Nalgonda District had replied stating that no information was provided on the equipments used by the 8th Respondent to control the gases which are directly released to the atmosphere, evidenced Annexure - D issued by the Telangana State Pollution Control Board. After the mining operation, the area was left open and the rain water is collected and it is sought to be used and supplied to the villagers around the mining area. There is contamination of water owing to the mining operation with gaseous substances being discharged without any control. They have not provided any mechanism to control air pollution as well. The 8th Respondent is conducting their operation in violation of the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and also Environment (Protection) Act, 1986 and mining operation was also conducted against the violation of the conditions imposed. The dust emanated from the factory of the 8th Respondent has affected the plants and other agricultural activities in that area, apart from causing health hazards to the local people. The 8th Respondent was granted mining lease in the year 2013, based on the application and the feasibility report submitted as per Annexure - E, Grant dated 28.12.2013 and the Mining Lease Agreement dated 18.12.2013 was executed on the basis of the order passed by the Government of Andhra Pradesh vide G.O.

Ms. No.85 dated 09.10.2013 evidenced by Annexure - F. The non-compliance of the conditions and directions were evident from the RTI Query replied by the State Pollution Control Board on 30.12.2015 and the reply given by the Forest Department on 18.12.2015. The applicant also explained in detail regarding the probable ill effects likely to be caused on account of emission of gaseous and other pollutants said to have been emitted from the factory of the 8th Respondent on the health of the people. It is alleged in the application that though complaints were made to the authorities no action was taken. That prompted the applicant to file this application before this Tribunal praying interim as well as main reliefs as follows:-

Interim Relief:

(a) Either restrain the 8th Respondent from carrying on any manufacturing activity in furtherance of mining lease/permission granted on December 2013 in the factory at Nalgonda District pending the application

(b) Appoint an independent expert to file into this Hon'ble Tribunal within the time frame to be stipulated after conducting inspection of the premises as regards availability of pollution control equipments for control of air and water pollution

(c) Pass any such other or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

Main Relief:

(a) Directing cancellation of mining operations granted to the 8th Respondent as the same is within the 10 kms radius of the Jantohad Darga at Nalgonda District, owing to the fact that the license/permission was granted based on the fraudulent declaration made by the 8th Respondent in their Pre-Feasibility Report and for failure to adhere to pollution norms.

(b) Pass any such other or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

7. Subsequently, this Tribunal had Suo Motu impleaded the District Forest Officer, Nalgonda District, State of Telangana as additional 9th Respondent by order dated 24.02.2016.

8. The 1st Respondent/Ministry of Environment, Forests & Climate Change (MoEF&CC) filed a reply affidavit contending that the projects categorized as "Category A" under EIA Notification, 2006 comes under the purview of the Central Government and procedure for granting Environmental Clearance (EC) will be strictly adhered to by the Ministry. As per the orders of the Hon'ble Supreme Court dated 27.02.2012 in I.A. No.12 - 13 of 2011, in Special Leave Petition (C) No.19628 - 19629 of 2009, in the matter of *Deepak Kumar Vs. State of Haryana & Ors.*, prior Environmental Clearance (EC) has become mandatory for mining of minerals irrespective of the area of mining lease. As a result of the above said order of the Hon'ble Supreme Court, the number of cases of mining of minor minerals which are now required to obtain prior Environmental Clearance (EC) has been substantially increased. In order to meet the situation, they have categorized the project as Category - A, Category - B1 and Category - B2. Category - A projects are being handled by the MoEF&CC and Category - B1 and Category - B2 projects are being handled by the respective State Environmental Impact Assessment Authorities or District Impact Assessment Authorities notified by the MoEF&CC and following the procedure prescribed under the EIA Notification, 2006, amended from time to time. The Ministry has constituted the Expert Appraisal Committee / State Level Expert Appraisal Committee/ District Level Expert Appraisal Committee pursuant to the EIA Notification, 2006 to deal with the project coming within their jurisdiction as provided under EIA Notification, 2006. On the basis of the recommendations made by the

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respective committee, either the Central or State Government or the District Authorities will be using the Environmental Clearance (EC). As regards the granting of mining leases are concerned, they are coming within the purview of the State Government and respective departments under the State Government have to take action, if there is any violation. So, they prayed for passing appropriate orders, accepting their contention.

9. The 4th Respondent/Telangana State Pollution Control Board filed reply affidavit contending that the 4th Respondent has no control over the granting of mining lease or cancellation of the same granted in favour of the 8th Respondent. The 8th Respondent unit had provided the following pollution control equipments to control emissions:-

Unit - I:

Sl. No.	Source of pollution	Control equipment provided
1.	Rotary Kiln and Raw Mill	ESP
2.	Raw Mill - II	Bag filter
3.	Cooler	ESP
4.	Coal Mill	Bag filter
5.	Cement Mill-I and II	Bag filter
6.	Packing Plant	Bag filter

Unit - II:

Sl. No.	Source of pollution	Control equipment provided
1.	Clinker, Gypsum and Slag Hopper tops	Bag filter
2.	Conveyor Bulk Elevator Feeder	Bag filter
3.	Air Slider and Screw samples	Bag filter
4.	Vertical Roller Mill	Bag filter
5.	3030 TPD Raw Mill/Kiln	RABH
6.	3030 TPD Cooler	ESP
7.	30 TPH Coal Mill	Bag filter
8.	150 TPH Cement Mill	Bag filter
9.	70 TPH Boiler (power plant)	ESP
10.	400 KVA DG set	Silencer

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10. The 4th Respondent/TSPCB further contended that earlier, the Board had conducted the stack monitoring attached to 70 TPH Coal fired boiler and 3000 TPD Kiln and Raw Mill on 19.11.2015 and observed the values as follows:-

Stack attached to 3000 TPD Kiln & Raw Mill:

Sl. No.	Parameter	Values (mg/Nm ³)	Standard (mg/Nm ³)
1	SPM	36	50

Stack attached to 70 TPH Coal fired Boiler:

Sl. No.	Parameter	Values (mg/Nm ³)	Standard (mg/Nm ³)
1	SPM	101	115

11. It is further contended that the 8th Respondent unit has also provided Continuous Online Stack Monitoring System and Continuous Online Ambient Air Quality Monitoring System and connected to the Pollution Control Board's server for the public domain. As per the Environment (Protection) Act, 1986, there is no standard provided for emission of Co₂ from the stack. The main source of air pollution from mining operation is particulate matter and no other gaseous emissions are envisaged due to mining operations. The 8th Respondent industry is practicing controlled blasting techniques to arrest the ground vibrations and air pollution. Non electrical delay detonators are used to avoid vibration. Whereas drilling is being adopted in the mining activity to control dust emission due to drilling operations. The 8th Respondent is providing water spraying arrangement from loading place to crusher area to suppress the dust and mobile tankers were provided to wet the haul roads. They are carrying on mining activities in accordance with the mining plan.

12. They denied the allegation made in Para 11 that proper information was not provided under RTI Act. They have provided the information as

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requested for in the application made under the provision of the RTI Act and the applicant did not approach the office of the Pollution Control Board as advised vide their Letter dated 30.12.2015. So, they prayed for passing appropriate orders, accepting their contentions.

13. The 5th Respondent/Director of Mines & Geology filed reply affidavit contending that the technical staff of the Office of Assistant Director of Mines & Geology, Suryapet have inspected the mining lease area of the 8th Respondent on 30.12.2016 and taken measurements with the help of GPS with WGS-84. The nearest distance between Mine 8 to Janpahad Darga is 4.165 Kms on North-West side and nearest distance between cement plant to that Darga is 1.714 Kms on North-West direction. The Government has originally granted the Mining Lease vide G.O. Ms. No.182, Industries & Commerce (M.I) Department, dated 16.12.2013 for limestone over an extent of Ac.452.43 Gts. (183.11 Hectares) in Compartment No.26 & 27 of Saidulnama Reserve Forest, Ravipahad Village, Nereduchera Mandal (presently Palakeedu Mandal), Nalgonda District (presently Suryapet District) in favour of the 8th Respondent for a period of 20 years and the same was executed by the Assistant Director of Mines and Geology, Miryalaguda on 28.12.2013 and the lease was in force upto 27.12.2033 vide Proc. No.484/M2/2007 dated 28.12.2013. The Government has issued amendments vide G.O. Ms. No.9, Industries & Commerce (M.I) Department dated 12.09.2014 to the words "a period of 20 years" occurred in abstract and Para 4 of the G.O. Ms. No.182, Industries & Commerce (M.I) Department dated 16.12.2013 shall be substituted with the words "a period of 30 years". Further, all the remaining paragraphs except to the above extent in G.O. Ms. No.182, Industries & Commerce (M.I) Department dated 16.12.2013 shall remain unchanged. The same was

executed by the Assistant Director of Mines and Geology, Miryalaguda on 01.11.2014 and the lease was in force upto 27.12.2043 vide Proc. No. 484/M2/2007 dated 01.11.2014.

14. The 8th Respondent is having mining lease for limestone in this area as detailed below:-

Sl No	Name and Address of the lessee	Mineral	Location	Extent	Grant Order No. & date (G.O. Ms. No./Proc)	Date of execution	Lease period
1	M/s. Deccan Cements Limited, Ravipahad Village, Palakeedu Mandal, Suryapet District	Lime Stone	Compartment No. 26 & 27 of Saidulnama Reserve Forest, Ravipahad Village, Palakeedu Mandal, Suryapet District	183.11 Hectares	G.O. Ms. No.182, dated 16.12.2013 & G.O. Ms. No.9 dated 12.09.2014	File No.484/M.2/2007 dated 28.12.2013	20 years w.e.f. 28.12.2013 to 27.12.2043

15. A total quantity of 1,81,000 MT of limestone has been extracted by the 8th Respondent from April 2016 to 13.12.2016. The MoEF&CC (F.C. Division), Government of India, has given Forest Clearance (FC) vide Letter No.8/85/2010-FC, dated 13.09.2013 (ML-III) for diversion of forest land in favour of the 8th Respondent for limestone mining leases located in Compartment No. 26 & 27 of Saidulnama Reserve Forest, Nalgonda Forest Division of Telangana State. The 8th Respondent company has submitted the IBM approved mining plan vide their Lr. No.AP/NLG/MP/Mn-73/Hyd dated 09.02.2015 and mining lease was registered from Indian Bureau of Mines vide No. IBM/2019/2011 dated 18.10.2011 and IBM code No.38TNG08001. Mining operation as furnished by the 8th Respondent is detailed as follows:-

1. Blasting:

- Scientific method of blasting

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o Blasting is carried out under the supervision of competent mining professionals as per the Metalliferous Mines Regulation Act, 1961. Optimum charging and perfect stemming makes the blasting hazard free. Flying fragments shall be within 10 mts radius, because M/s. Deccan Cements Limited are using in hole delay initiation system.

o M/s. Deccan Cements Limited is having Rock breaker attachment with our Ex - 350 Machine to avoid secondary blasting. Noise pollution due to secondary blasting is completely avoided.

o Various precautions such as warning with electric siren, communication with walkie-talkies and provision of display boards are being used for the blasting operation.

• Noise and Ground Vibrations

o To mitigate the impact of blast induced ground vibrations, controlled blasting techniques such as pre splitting and deck charging are used. M/s. Deccan Cements Limited have further stated that they have conducted vibration study with Government authorized Institution (National Institute of Technology, Surathkal, Karnataka).

o Blast vibrations are monitored by a seismograph and recorded regularly. Noise as well as ground vibrations are kept well within limits. None initiating system is

used and the maximum charge per delay is restricted to keep the peak particle velocity in safe limits.

- Permissions

- The Directorate General of Mines Safety has given necessary permissions for conducting the blasting. The officers of DGMS are frequently inspecting the mine and checking the compliance.
- This year, M/s. Deccan Cements Limited has informed that they have won second prize in the safe drilling and blasting in the Zonal competition of the mines.

- 2. Groundwater

- There are no bore wells drilled in the mine as well as cement plant. Hence, there can be no ground water depletion.
- The rain water stored in the mine is recharging the ground water table in the adjoining area.

16. It is further contended that similar complaints have been received from the villagers of Shankapur, Rebbair Mandal, Mahaboobnagar District of Telangana State, the District Collector & District Magistrate, Wanaparthy District requested the Director General, Mines Safety, Hyderabad Region to conduct inspection on the impact of blasting in certain mining lease areas. Accordingly, the inspection was done by the Mines Safety Department and submitted the report stating that the houses are situated outside the danger zone of blasting, which is 300 m distance from the blasting site and blasting vibration induced from the blast was also found within permissible limit as defined under DGMS Technical Circular No.7 of 1997 at 50 m distance from the blasting site. Flying fragments were also

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limited upto 50 m distance from the blasting site. Further, the Mines Safety Department suggested certain precautions while conducting of blasting and the said report was produced along with the reply affidavit as Annexure - I.

17. As per the inspection report in this case the Assistant Director of Mines & Geology, the nearest distance between Mine-3 to the Janpahad Darga is 1.165 Kms on North - West side and nearest distance between the cement plant to the said Darga is 1.714 Kms on North-West direction. So, there was no such endanger to the public as alleged by the applicant on account of mining operation and the operation of the 8th Respondent factory.

18. The 8th Respondent viz., M/s. Deccan Cements Limited filed counter contending that they are involved in the business of manufacturing cement and for the said purpose, they were operating a plant located at Bhavanipuram Village, Janpahad Post, Nalgonda District, Telangana near Krishna River with abundant limestone deposits suitable for cement manufacturing. This plant was established way back in 1982 with installed capacity of 200 TPD and in due process of time this plant was upgraded its clinkerisation capacity to 1.0 MTPA and cement grinding capacity to 1.5 MTPA. The 8th Respondent had obtained necessary approvals from the concerned Government agencies to manufacture and sell the product. They obtained necessary Consent under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 from the State Pollution Control Board and as per the directions and guidelines issued by the Pollution Control Board, they have installed all necessary pollution control devices to control and regulate fugitive emissions at all stages of operation. The 8th Respondent has been constantly working on reduction of emission at all levels by adopting and

upgrading existing pollution control devices with technological advancements in the field of pollution control.

19. It is further contended by the 8th Respondent that the State Pollution Control Board had accorded specific site clearance for the cement plant of the 8th Respondent company by granting Consent for Establishment vide Order No.208/PCB/CFE/RO/NCL/HO/2008 dated 07.05.2008, evidenced by Annexure - A produced along with the counter. The Consent to Establish was converted to Consent to Operate before commissioning, after inspection by the Pollution Control Board and the same is being regularly renewed and currently having the Consent for Operation issued by the Pollution Control Board vide Consent Order No.TSPCB/RCP/NLG/CFO/HWA/HO/2016/2768 dated 29.02.2016, evidenced by Annexure - B. For the purpose of manufacturing cement, the 8th Respondent excavates limestone from the Bhavaripuram limestone mine to meet the plant requirement. They were operating the limestone for the last 35 years with limestone reserves only in the Reserve Forest area and has obtained mining lease for three mines namely ML-1, ML-2 and ML-3. The first mining lease (ML-1) over an extent of 22.55 Ha. granted in the year 1980 in compartment No.27 of the Saidulanama Reserve Forest was renewed in the year 1991 vide G.O. Ms. No.298 dated 02.11.1991, evidenced by Annexure - C. ML - 1 was abandoned in the year 2000 and reverted to the Forest Department. ML - 2 over an extent of 73.93 Ha. in compartment No.27 of Saidulanama Reserved Forest was granted vide G.O. Ms. No.15 dated 06.01.2000, evidenced by Annexure - D. ML - 3 over an extent of 183.11 Ha. in compartment No.26 & 27 of Saidulanama Reserved Forest was granted vide G.O. Ms. No.182 dated 16.12.2013, evidenced by Annexure - E. ML -2 and ML - 3 both are in operation and the present

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application pertains to ML - 3. Limestone crushed and stored in the stack pile and reclaimed, during the crushing and stacking of raw materials blending takes place. Dedicated water tankers are engaged to spray water on the haul roads and for watering the green belt in and around the plant and mines area. Water spray on belt conveyors and discharge chutes to suppress dust in raw material handling circuit is carried out. Kiln and Vertical Raw mill are connected to RABH, Coal mill and cement mills stacks are connected to pulse jet bag filter and cooler and captive power plant is connected to electrostatic precipitators, with all controlling device. The 8th Respondent has also installed monitoring devices to monitor the emissions continuously and all stacks are connected to 24 x 7 continuous monitoring systems and ambient air quality is monitored in the upwind direction and downwind direction continuously and the real time data is uploaded to Pollution Control Board server. Apart from this, the 8th Respondent has also engaged third party monitoring agency to monitor and audit environmental impact and measures the ambient air and stacks emissions periodically and they are being furnished to the MoEF&CC and State Pollution Control Board regularly.

20. It is further contended that they also obtained Environmental Clearance (EC) from the MoEF&CC vide their Proceedings No. J-11015/642/2007-IA.II(M) dated 18.10.2007, evidenced by Annexure - F for the present limestone ML-3 of area 183.11 Hectares for production of 0.3 MTPA. This was obtained 8 years ago, after following due process of law. Without considering the conditions imposed in the Environmental Clearance (EC) and also in the EIA Report prepared by them, the applicant is relying on the pre-feasibility report which is submitted for the proposed enhancement of the capacity of the cement plant and captive power plant,

wherein there is a mention of the distance of Darga from the plant site as 3.6 Kms and not the distance of 1.02 Kms from the mine site as mentioned by him. The applicant has not produced the Pre-Feasibility Report of limestone Mine - 3 where all these aspects have been properly mentioned. The mining lease agreements were executed as detailed by the Mining Department in their counter statement and they have obtained Environmental Clearance (EC) for both the purpose. They denied the allegation of pollution being caused on account of their operation. In fact, the applicant is a regular transport contractor and as even worked as transport contractor with the 8th Respondent for quite some duration during earlier years. When the applicant transported material (Iron rich laterite) for the 8th Respondent during 2013, the same was rejected due to quality issues. Thereafter, he was approaching the 8th Respondent for transport contract and the same was not entertained, evidenced by Annexure - H series letters sent by the applicant to the 8th Respondent requesting for transport contract dated 11.01.2016 and 16.01.2016. On account of this personal vendetta, he filed this application and with an ulterior motive, came to the Court with unclean hands. They also given detailed para wise remarks, denying the allegations and they have relied on Annexure - J and Annexure - K documents to prove the declared ancient monuments and archaeological site by the department. They are drawing water from the Krishna River after obtaining proper approval from the Irrigation and CAD of Department of erstwhile Government of Andhra Pradesh. Details of the machineries and other pollution control mechanisms used by the 8th Respondent where shown in Annexure - M produced along with the counter. The abandoned pits are left as water bodies and rainwater collected in such pits are used in the plant and for

green belt development and there is no question of contamination arises on account of the same. The Environmental Clearance (EC) was granted after proper appraisal of the project by the Expert Appraisal Committee (EAC) and also by the MoEF&CC, after considering all sensitive areas within 10 Kms of the plant and mining area and if the effect of plant is very serious on Darga, then no cement plant or mining lease would have been granted in favour of the 8th Respondent. They have obtained the mining leases as per Annexure - E and Annexure - G produced. The air monitoring data are available in the website of the 8th Respondent. They have not committed any violation of conditions of mining lease or Environmental Clearance (EC). The 8th Respondent had started the work of fencing, protection and afforestation of the safety zone area which is to be carried out throughout the life of the mine and to be completed before the end of the mining lease period and photographs evidencing the same were produced as Annexure - N. The application was filed beyond the period of limitation provided and as such, it is barred by limitation. So, they prayed for dismissal of the application.

21. The 9th Respondent/District Forest Officer, Nalgonda filed reply on their behalf and on behalf of Respondents No.2 & 6 contending that the State Pollution Control Board had accorded the specific site clearance for cement plant of the 8th Respondent by granting Consent for Establishment vide Order No.208/PCB/CFE/RO-NGL/HO/2008 dated 07.05.2008, evidenced by Annexure - 1 produced along with the counter. Consent to Establish was converted to Consent to Operate before commissioning and after inspection by Pollution Control Board, it was regularly renewed from time to time and they were currently holding Consent for Operation issued by the Pollution Control Board vide Lr. No. TSPCB/RCP/NLG/CFO&HWA/

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HO/CFO/2016/2768 dated 29.02.2016, evidenced by Annexure - 2. The provision is made for online monitoring as required by the Pollution Control Board and they are using the same due certification and they are also having pollution control mechanism to control dust or gases and the data of emission are available in the office of the State Pollution Control Board. The 8th Respondent entered into a Forest Lease Agreement on 18.12.2013 with Divisional Forest Officer for diversion of forest land (Annexure - 3) and not a mining lease agreement as stated by the applicant. The mining lease agreement was entered with the Assistant Director of Mines and Geology, Miryalaguda on 28.12.2013 and Supplementary Lease Deed on 01.11.2014, evidenced by Annexure - 4. The diverted forest land of 183.11 Ha. was handed over to the Vice President (Works) on 20.12.2013, evidenced by Annexure - 5. They have conducted the vibration study with National Institute of Technology, Suratkal, Karnataka, a Government authorized institution. Blast vibrations are monitored by a seismograph and recorded regularly. Noise as well as ground vibrations are kept well within limits. Nonel initiating system is used and the maximum charge per delay is restricted to keep the peak particle velocity in safe limits. The Department of Mines Safety were regularly inspecting and checking the compliance of the safety norms in the mining area. The 8th Respondent had informed that they have won second prize in the safe drilling and blasting in the zonal competition of the mines in that year. Jurpanad Darga and the tombs of Saheed Ali and Saida were not listed in the protected monuments by the Department of Archaeology and Museums, Government of Telangana and this was informed by their Lr. No.12/2016 dated 24.03.2016. The applicant was relying on the Pre-Feasibility Report for the distance criteria showing the

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mining lease area of the plant with the Junpahad Darga. But in fact, they have produced other documents while obtaining the permission, where they have correctly shown the distance. The question of cancelling the mining lease within a radius of 10 Kms does not arise on the basis of the decision relied on by the applicant viz. *Bhanwar Singh & Ors. Vs. Union of India & Ors.* The 8th Respondent has obtained necessary Environmental Clearance (EC) and also Forest Clearance (FC) and other clearances. Mining ML-1 was abandoned and Mining ML-2 and ML-3 have being now operated by the 8th Respondent on the basis of the permission granted. They also applied for expansion capacity during November, 2015 and the approval is awaited. They have taken all necessary precautions and they are complying with all the conditions as well. They prayed for passing appropriate orders, considering their contentions.

22. Other respondents have not filed any counter statement.

23. As per order dated 18.12.2019, after considering the pleadings, in order to ascertain the current status and compliance of the environmental norms by the 8th Respondent and also to ascertain as to whether the unit is functioning as per the terms and conditions of the Environmental Clearance (EC) and Forest Clearance (FC) and Consent orders and whether any expansion has been made without obtaining necessary documents and whether excess mining has been done encroaching the forest land over and above the permitted area, this Tribunal had constituted a Joint Committee comprising of (i) District Collector, Nalgonda District, (ii) a Senior Officer from the Geology Department, Government of Telangana, (iii) a Senior Scientist from the Telangana State Pollution Control Board and (iv) Divisional Forest Officer, Nalgonda Division to inspect the unit in question and submit the present status and compliance of the environmental norms.

and excess quantity of mining being done or extension of area for mining beyond the permitted area as per the lease and if so, what is the nature of action taken and submit the report to this Tribunal.

24. This Tribunal also observed that it is not possible for this Tribunal to cancel the mining lease invoking powers under Section 14, 15 of the National Green Tribunal Act, 2010 and also the clearances granted cannot be set aside, after lapse of time of being issued after expiry of the period of limitation. This Tribunal confined only to the environmental law violation and excess mining (if any) done and other violation and pollution aspects alone.

25. Thereafter, on 04.03.2020, this Tribunal had considered the report of the Joint Committee dated 03.03.2020 which was extracted in Para 3 of the order which reads as follows:-

As per the instructions, the Joint Committee has conducted inspection of the unit on 13.02.2020. The Joint Committee had a meeting with petitioner Sri. Yakkani Koteswara Rao at the industry, to understand his grievances. The list of participants present during meeting is annexed (Annexure-1). The Joint Committee has conducted the inspection of the unit along with the petitioner and industry representatives.

TSPCB has conducted inspection to verify the compliance of Environmental norms and conducted Ambient Air Quality, Noise, VOC levels and Stack monitoring during 13.02.2020 and 19.02.2020. The details of the inspection and monitoring are submitted below:

1. *M/s. Deccan Cements Ltd., Bhavanipuram, Mahankaligudem, Raipahad (V), Palakeedu (M), Suryapet District is a Cement industry and engaged in Clinker, Cement manufacturing and Captive Power Generation.*
2. *The industry has obtained CFO & HWA of the Board vide order dt. 07.12.2017 which is valid upto 31.12.2022 for the following:*

Unit -1 (Cement Division)

Product	Consented capacity as per CFO
Cement	0.3 MTPA (900 TPD)
Clinker	0.5 MTPA (1450 TPD)

**The Cement Production of 0.3 MTPA is produced from the permitted Clinker production of 0.5 MTPA*

Unit -2 (Slag Cement Division):

Product	Consented capacity as per CFO
Cement	1.5 MTPA (5450 TPD)

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Clinker	1.2 MTPA (3650 TPD)
Power generation	18 MW
*The Cement Production of 1.5 MTPA is inclusive of 1.2 MTPA Clinker production.	

The industry has provided following air pollution control equipments to control emissions:

Unit-I:

Sl. No	Source of Pollution	Control Equipment Provided
1	Rotary Kiln (1450 TPD), Raw Mill-I (50 TPH) & Raw Mill-II (50 TPH)	Pulse Jet bag filter
2	Cooler (1450 TPD)	ESP
3	Coal Mill - 12.5 TPH	Pulse Jet bag filter
4	Cement Mill I & II (17.5 TPH each)	Pulse Jet bag filter
5	Packing plant (65 TPH)	Pulse Jet bag filter

At the time of inspection, Unit-I is not in operation.

Unit-II:

Sl. No	Source of Pollution	Control Equipment Provided
1	Clinker Gypsum & Slag Hopper apps	Bag filter
2	Conveyor, Bulk Elevator Feeder	Bag filter
3	Air slider & Screw Samples	Bag filter
4	3650 TPD-Kiln and 260TPH-Raw Mill	RABH
5	3650 TPD Cooler	ESP
6	30 TPH Coal Mill	Pulse jet Bag filters
7	150 TPH Cement Mill	Pulse jet Bag filters
8	70 TPH Boiler (Power Plant)	ESP
9	400 KVA DG Set	Silencer

3. The industry is also carrying out Lime Stone Mining for Captive consumption. The industry is having Bhavanipuram Lime Stone Mine-2 and Bhavanipuram Lime Stone Mine-3.
4. The industry is having a captive lime stone mine (Mine-2) at Bhavanipuram, Janpaha (V), Nereduchetla (M), Nalgonda District. The Board has issued renewal of CEO to the captive lime stone mine (Mine-2) vide orders dated: 05.12.2016 with validity upto 31.12.2021 for Lime Stone Mining - 2 Million TPA in an area of 73.93 Hectares. The unit has also obtained Environmental Clearance (EC) dated 18.10.2007 for the same.
5. The industry is having a captive lime stone mine (Mine-3) at Ravipahad (V), Palakurthi (M), Suryapet District. The Board has issued CEO to the captive lime stone mine (Mine-3) vide order dated: 08.08.2017 valid upto 30.04.2022 for Lime Stone Mining - 2.3 Million TPA in an area of 183.11 Hectares. The unit has also obtained Environmental Clearance (EC) dated 05.01.2017 for the same.
6. **Stack and AAO Monitoring:**
 - a) The Board has conducted Stack monitoring to the stack attached to Raw Mill and Kiln-2 (Analysis report enclosed at Annexure-2). The values are as submitted below:

Stack attached to 3650 TPD Kiln & Raw Mill:

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SL No.	Parameter	Values (mg/Nm ³)	Standard (mg/Nm ³)
1	Suspended Particulate matter (SPM)	18	30

b) Ambient Air Quality Monitoring is conducted at i) At the Periphery of the Mining Lease-3 towards the direction of Janpahad Darga ii) Near the view point. iii) At the Periphery of the industry near the main gate. The values of the Ambient Air Quality Monitoring are as follows.

i) At the Periphery of the Mine Lease-3 towards the direction of Janpahad Darga (Analysis report enclosed at Annexure-3)

SL No.	Parameter	Conc. Value of 24 hrs (µg/m ³)	Standard Limit for 24 hours (µg/m ³)
1	Particulate Matter (PM ₁₀)	50	100
2	Sulphur Dioxide (SO ₂)	BDL	80
3	Oxides of Nitrogen (NO _x)	BDL	80

BDL: Below Detectable Limit.

The observations made during the sampling:

1. At the time of monitoring loading of limestone in to the trucks was observed.
2. Blasting activity was not being done at the time of monitoring.
3. Water sprinkling is being done manually by using water tankers.
4. Light to moderate fugitive emissions observed near coal mill area.
5. Sampling site is about to 50 mtrs away from mining lease area-3. (North West side).

ii) Near the view point (Analysis report enclosed at Annexure-4)

SL No.	Parameter	Conc. Value of 24 hrs (µg/m ³)	Standard Limit for 24 hours (µg/m ³)
1	Particulate Matter (PM ₁₀)	93	100
2	Sulphur Dioxide (SO ₂)	BDL	80
3	Oxides of Nitrogen (NO _x)	BDL	80

BDL: Below Detectable Limit.

The following observations made during the sampling:

1. At the time of monitoring loading of limestone in to the trucks was observed.
2. Blasting activity was not being done at the time of monitoring.
3. Water sprinkling is being done manually by using water tankers.
4. Light to moderate fugitive emissions observed near coal mill area.
5. Sampling site is about to 50 mtrs away from mining lease area-3. (South East side).

iii) At the Periphery of the industry near the main gate (analysis report enclosed at Annex-

5).

SL No.	Parameter	Conc. Value of 24 hrs (µg/m ³)	Standard Limit for 24 hrs (µg/m ³)
1	Particulate Matter (PM ₁₀)	187	100
2	Sulphur Dioxide (SO ₂)	BDL	80
3	Oxides of Nitrogen (NO _x)	BDL	80

BDL: Below Detectable Limit.

The PM₁₀ value at this location is exceeding the standard limit.

The following observations made during the sampling:

1. Water sprinkling is being done manually by using water tankers.
 2. Cement roads were observed at the monitoring site.
 3. Vehicular movement is there at the time of monitoring.
 4. Light to moderate fugitive emissions observed near coal mill area.
 5. Sampling site is about to 150mtrs away from clinker storage area.
- c) The industry has also provided Continuous Online Stack Monitoring System & Continuous Online Ambient Air Quality Monitoring System and connected the same to CPCB & TSPCB servers. The Board is regularly monitoring the online systems.
- d) Noise Levels and VOC levels were measured during day time at 5 different locations (Analysis report enclosed at Annexure-6) and the measured values are as follows:

Sl. No.	Location	Source	Distance from source	Noise levels in dB (A)	VOC values in ppm
1.	Main entrance gate of the industry	Operations at Cement manufacturing plant and vehicular movement	60 mts from the cement plant and 10 mts from the road	64	0.006
2.	Temple located near the rear boundary of the industry	Operations at Cement manufacturing plant and intermittent vehicular movement on the road	70 mts from the cement plant and 10 mts from the road	60	0.003
3.	Near Guest house	Operations at Cement manufacturing plant and intermittent vehicular movement on the road.	60 mts from the cement plant	62	0.008
4.	Near Magazine area at the north west side of Minis Lease	Operations at Cement manufacturing plant. Drilling, crushing and blasting activity were not seen at the time of noise monitoring.	1000 mts from the cement manufacturing plant	58	0.002
5.	Near Jan Pahad Dargah	Vehicular movement and operations at cement plant	10 mts from the road and approximately 1.2 Km from the cement plant	56	0.004

Standard	Residential area	Commercial area	Industrial area
* Day time standard dB(A)	55	65	75

Night time standard dB(A)	45	55	70
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*Day time means 6.00 AM to 10.00 PM

Night time means 10.00 PM to 6.00 AM

Report by Asst. Director(FAC), Mines and Geology, Suryapet

The undersigned have conducted joint inspection of Mining lease for Limestone of M/s.Deccan Cements Ltd, in Compt No.26 & 27 of Saidulnama R.F Ravipahad Village Palakeedu Mandal over an extent of 183.11 Hects on 18.02.2020 and accompanied with Revenue Divisional Officer Suryapet, District Forest officer Suryapet, Environmental Scientist & Asst. Scientist O/o T.S.P.C.B Branch office Hyderabad, Executive Engineer/Asst. Executive Engineer O/o T.S.P.C.B Nalgonda, Tahsildar Palakeedu mandal and petitioner Sri V.Koteshwar Rao in connection with the Lr No.04/NGT-Chennai/TSPCB/Agal/2016-1045, Dt.16.01.2020 from the Telangana State Pollution Control Board Hyderabad. During the joint inspection the petitioner Sri V.Koteshwar Rao and officials have verified the lease boundaries as per executed sketch shown by the Deputy General Manager of M/s Deccan Cements Ltd.

As per the NGT orders in item 5, 6 and 7 points are under this office. The details are in item wise given below.

Item-5 - It is submitted that earlier this office the then Asst. Director of Mines & Geology, has inspected the Mining Lease area of M/s Deccan Cements Limited on 30.12.2016 and taken measurements with the help of GPS and the nearest distance between mine 3 to the Janpahad Darga is 1.165Kms on North West side and nearest distance between Cement plant to the Janpahad Darga is 1.714Kms to the North West direction is holds good.

ITEM-6 - The Mining Lease was granted in favour of M/s Deccan Cements Ltd for Limestone in Compt No.26 & 27 of Saidulnama R.F Ravipahad Village Palakeedu (erstwhile Nereducherla) Mandal over an extent of 183.11 Hects for a period of (20) years vide G.O Ms No. 182 Ind & Com (Mines) Department Dt.16.12.2013. The ADMG Miryalaguda vide proc.no. 484/M2/2007, Dt.28.12.2013 has executed the Lease deed for a period of (20) years and issued work order to M/s Deccan Cements Ltd to conduct the Mining operations with effect from 28.12.2013 to 27.12.2033.

Further vide G.O Ms No.9, Dt.12.09.2014 from the Industries & Commerce (M.II) Department has issued amended orders for (30) years instead of (20) years for Mining Lease for Limestone over an extent of 183.11 Hects in compt No. 26 & 27 of Saidulnama R.F Ravipahad Village

Nereducherla Mandal Nalgonda District Based on the orders the ADMG Miryalaguda vide proc.no. 484/M2/2007, Dt.01.11.2014 has executed the Lease deed for further (30) years instead of (20) years and issued work order to M/s Deccan Cements Ltd to conduct the quarrying operations with effect from 28.12.2013 to 27.12.2043.

The Government vide G.O Ms. No.12, Dt.21.07.2017 from the Industries and Commerce (M.II) Department has granted extend the lease period upto 50 years from the date of original grant of mining lease i.e from 28.12.2013 to 27.12.2063 for the mining lease held by M/s Deccan Cements Limited for Limestone over an extent of Ac.452.43gts (or) 183.11 Hects in Compt No.26&27 of Saidulnama R.F Ravipahad village Janpahad Section Miryalaguda Range Nalgonda District (Now falling in Suryapet District). As per sub section (5) of section 8A of MMDR Amendment Act,2015. Subsequently this office issued work order proc.no. 484/M2/2007,

Dt.09.05.2017 to M/s Deccan Cements Ltd for conduct the quarrying operations with effect from 28.12.2013 to 27.12.2063.

ITEM-7:- M/s Telangana State Remote Sensing Application Centre has conducted ETS survey in the presence of lease holder of M/s Deccan Cement Limited on 15.10.2019 to 31.10.2019 in (02) mining lease areas of M/s Deccan Cement Limited and submitted ETS survey report on 02.01.2020.

As per ETS survey, the total volume of mineral for Limestone excavated from pits in (02) mining leases of M/s Deccan Cement Limited is as follows:

As per the ETS survey pit volume.

S.No.	Name of the lessee	Location	Mineral	Total Quantity in MT
01	M/s Deccan Cement Limited	Compt.No.27 of Saidulnama R.F. Mahankaligudem Village Palakeedu, (M)	Limestone	1,95,86,399.213 MT
02	M/s Deccan Cement Limited	Compt.No.26&27 of Saidulnama R.F Mahankaligudem Village Palakeedu (M)	Limestone	28,21,429.634 MT
Total				2,24,27,828.85 MT

After ETS survey it is noticed that M/s Deccan Cement Limited is working within the leased area in (02) mining leases for Limestone. However, on completion of ETS survey and arriving at the quantity of mineral actually extracted from two mining leases held by M/s Deccan Cement Limited, this office verified the lease-wise permits obtained by Lessee Company pertaining to the mining leases. The details of dispatch permits issued to M/s Deccan Cement Limited since execution of the lease deed up to 31.10.2019 (ie. completion of ETS survey work) pertaining to two mining leases is as given under:

As per the dispatch permit.

S.No.	Name of the lessee	Location	Mineral	Total volume in MT
01	M/s Deccan Cement Limited	Compt.No.27 of Saidulnama R.F Mahankaligudem Village Palakeedu Mandal.	Limestone	1,96,09,200MT
02	M/s Deccan Cement Limited	Compt.No.26&27 of Saidulnama R.F Mahankaligudem Village Palakeedu Mandal.	Limestone	28,61,800MT
Total				2,24,71,000MT

Comparison Statement showing Limestone extracted from (02) MLs arrived as per ETS survey and Mineral covered under Permit System by M/s Deccan Cement Limited.

S. No.	Name of the lessee	Location	Mineral	As per the TRAC Report, the Total quantity in MT up to	Permits obtained qty in MT up to ETS Survey i.e., up to 31.10.2019	Balance quantity in MT up to ETS Survey i.e., up to 31.10.2019	Remarks
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				31.10.2019			
01	M/s. Deccan Cement Limited.	Compt.No.27 of Saidulnama R.F. Mahankaligudem Village Palakeedu	Lime Stone	1,95,86,399.21 MT	1,96,09,200 MT	(+) 22,800.787MT	Excess Permit obtained.
02	M/s. Deccan Cement Limited.	Compt.No.26&27 of Saidulnama R.F. Mahankaligudem Village Palakeedu	Lime Stone	28,41,419.634 MT	28,61,800 MT	(+) 20,370.366MT	Excess Permit obtained.

As seen from the above table, the mining lease holder M/s Deccan Cement Limited has obtained excess permitted quantity for Limestone with payment of excess Royalty for both mining leases. Hence there is No evaded Royalty are confirmed up to 31.10.2019.

As per this office records the Forest Range Office, Miryalaguda vide Lr No.158/2007/M. Dt.06.03.2007 has given intimation letter to this office for attending joint inspection on 08.03.2007 in the Compt No.26 & 27 in Saidulnama R.F. Rajpahad section Miryalaguda Range over an extent of Ac.452.43 Hects for a period of (20) years in conjunction with the mining lease application filed by M/s Deccan Cements Ltd. Based on the request of the Forest Range Officer, Miryalaguda, this office the then Asst. Director of Mines & Geology, Miryalaguda has accompanied with the Forest Department Officials on 08.03.2007 and submitted report. As per the report the joint inspection team has recommended for grant of the mining lease for Limestone in favour of M/s Deccan Cements Ltd in Compt No.26 & 27 of Saidulnama R.F. in Rajpahad Village of Miryalaguda range over an extent of Ac.452.43.

Further, the then Chief Conservator of Forests vide Lr No.31015/2007/F.F.D. Dt.08.09.2010 has requested to Special Chief Secretary to Government, Environment, Forest Science and Technology Department, Andhra Pradesh for forward the proposals to Govt of India for taking further action for according necessary approval in the matter.

As per the G.O Ms No.85, EFS&T (For.I) Department Dt.09.10.2013; the Forest Department have accorded permission for diversion of 183.11 Hects of forest land in compartments No.26 & 27 of Saidulnama Reserve Forest Division in Nalgonda District for limestone mining in favour of M/s Deccan Cements Limited.

The Mining Lease was granted in favour of M/s Deccan Cements Ltd for Limestone in Compt No.26 & 27 of Saidulnama R.F. Rajpahad Village Palakeedu (erstwhile Neeredulsherin) Mandal over an extent of 183.11 Hects for a period of (20) years vide G.O Ms No. 182, Dt.16.12.2013 of Ind. & Com. (Mines-1) Department. The ADMG Miryalaguda vide Proc.No. 484/M2/2007, Dt.28.12.2013 has executed the Lease deed for a period of (20) years and issued work order to M/s Deccan Cements Ltd to conduct the Mining operations with effect from 28.12.2013 to 27.12.2033.

Further, vide G.O Ms No.9 Dt.12.09.2014 from the Industries & Commerce (M.II) Department has issued amended orders for (30) years instead of (20) years for Mining Lease for Limestone over an extent of 183.11 Hects in compt No.26 & 27 of Saidulnama

R.F Ravipahad Village Nereducherla Mandal Nalgonda District. Based on the orders the ADMG Miryalaguda vide proc.no. 484/M2/2007, Dt.01.11.2014 has executed the Lease deed for further (30) years instead of (20) years and issued work order to M/s Deccan Cements Ltd to conduct the quarrying operations with effect from 28.12.2013 to 27.12.2043.

The Government vide G.O.Ms.No.12, Dt.21.02.2017 from the Industries and Commerce (M.II) Department has granted extend the lease period up to 50years from the date of original grant of mining lease i.e. from 28.12.2013 to 27.12.2063 for the mining lease held by M/s.Deccan Cements Limited for Limestone over an extent of Ac.452.43gts (or) 183.11Hects. in Compt No.26&27 of Saidulnama R.F Ravipahad village Janpahad Section Miryalaguda Range Nalgonda District (now falling in Suryapet District). As per sub section (5) of section 8A of MMDR Amendment Act,2015. Subsequently this office issued work order proc.no. 484/M2/2007, Dt.09.05.2017 to M/s Deccan Cements Ltd for conduct the quarrying operations with effect from 28.12.2013 to 27.12.2063.

Further, M/s Deccan Cements Limited has submitted approved mining plan by the TBM vide Lr No AP/NLG/MP/Lst-276-SZ/1740, Dt.10.10.2013 & AP/NLG/MP/Lst-73/Hyd, Dt.20.11.2019 and also submitted a copy of the Environmental Clearance issued by Govt vide Lr No J-11015/642/2007-IA.II(M), Dt.18.10.2007 & Lr No J-11015/375/2015-IA.II(M) Dt.05.01.2017 and CFE issued by the APPCB vide order No.277/PCB/CFE/RO-NLG/HO/2012-5168, Dt.05.02.2013 & Lr No.277/PCB/CFE/RO-NLG/HO/2017, Dt.30.03.2017 and also submitted a copy of G.O No.13/PCB/RCP/NLG/HO/CFO/2017-1458, Dt.08.08.2017 of TSPCB and it is valid upto 30.04.2022.

Report by District Forest Officer, Suryapet

In reply to the averments made in Para No.1 of the petitioner:
Not pertains to Forest Department.

In reply to the averments made in Para No.2 of the petitioner, it is submitted that, it is not clearly mentioned by the petitioner in his petition as to what material facts are suppressed by Project Proponent (M/s Deccan Cements) before getting Environmental Clearance. Hence, it is not possible for the 9th respondent to arrive at a conclusion in this regard.

In reply to the averments made in Para No.3 of the petitioner:
Not pertains to Forest Department.

In reply to the averments made in Para No.4 of the petitioner:
Not pertains to Forest Department.

In reply to the averments made in Para No.5 of the petitioner:
Not pertains to Forest Department.

In reply to the averments made in Para No.6 of the petitioner:
No comments.

In reply to the averments made in Para No.7 of the petitioner:
No comments.

In reply to the averments made in Para No.8 of the petitioner, it is submitted that the 7th respondent i.e., the then Divisional Forest Officer, Nalgonda has stated that he is not aware as to whether Environmental Clearance has been granted or not for this purpose. The then 9th respondent could have verified from the Project Proponents i.e., M/S Deccan Cements, 8th respondent to ascertain the facts. It is further submitted in this regard that the allegations leveled by the petitioner were examined in detail by Conservator of Forests (Central) during his field inspection, dt.13.03.2018 & field inspection report dt.13.03.2018 & field inspection report is enclosed herewith for verification (Annexure-7). It is not possible for 9th respondent at this stage to ascertain

whether the 8th respondent has encroached into RF land & carrying out excess of mining activity other than permitted until DGPS/DGNSS Survey is done.

Remarks of TSPCB:

1. At the time of inspection unit-1 (Cement Division) was not in operation. The representative of the industry informed that it is due to break down of pre-heater fan. Unit-2 (Slag cement division) was in operation.
2. At the time of inspection, loading of lime stone into the trucks was observed in Mine-3 and Mine-2 was not in operation.
3. No discharges of waste water from the mine was observed during the inspection.
4. The industry is carrying out production within the consented capacity.
5. The industry has not provided water meter in mine-3 for recording water consumption. However, the water consumption is measured based on the number of water tankers used for spraying on haul roads.
6. In addition to the existing green belt of 5.49 HA along the haul roads, boundary of mine-3, the industry has planted another 2500 saplings during the year 2019-2020.
7. Wet drilling and Non electric shock tube system is used in the mines to minimize the impact on the surroundings.
8. The industry representative informed that the frequency of blasting is twice a week.
9. The industry has provided check dams for artificial recharge of ground water.
10. The industry has not provided automatic water sprinkler system. The industry is using water tankers for sprinkling on the roads.
11. The Stack emission values of the stack attached to Raw Mill and Kiln-II are within the standards.
12. As per the continuous online stack monitoring system, the hourly average values for the stack attached to the Raw Mill and Kiln-II for the month of January 2020, Minimum value is 0 and Maximum is 25.3 mg/Nm³. For the month of 1-18 February 2020, Minimum value is 4 and Maximum is 29.5 mg/Nm³.
13. As per the continuous online stack monitoring system, the hourly average values for the stack attached to the Cooler-2 for the month of January 2020, Minimum value is 0 and Maximum is 27.3 mg/Nm³. For the month of 1-18 February 2020, Minimum value is 0 and Maximum is 26.5 mg/Nm³.
14. The ambient air quality monitoring values shows that the PM10 value is exceeding at the main gate of the industry. The PM10 value of the samples collected at the Periphery of the Mine-3 towards Janpahad Darga and near the Mine view point are within the standards. The sulphur dioxide (SO₂) and oxides of nitrogen (NOx) are below the detectable limits (BDL).
15. The industry is maintaining bag filters at all Silo tops, material transfer points and at various other sources of fugitive emissions.
16. The noise levels are within the prescribed standards for commercial and industrial area.
17. The industry is not doing co-processing and hence the VOC values recorded are negligible.

Remarks of Asst. Director (FAC), Mines and Geology, Suryapet

1. As per the measurements taken with the help of GPS on 30.12.2016 in mining lease area of M/s. Deccan Cements, the distance between Mine-3 to Janpahad Darga is 1.165km., on north west side and nearest distance between cement plant to Janpahad Darga is 1.714 km., to the North-West direction is holds good.

2. Based on GO Ms.No.182 Ind & Com (Mines-1) Dept., dated: 16.12.2019, the ADMG, Miryalaguda vide Procds.No.484/M2/2007, dated: 28.12.2013 has executed the lease deed for a period of 20 years and issued work order to M/s.Deccan Cements to conduct mining operations with effect from 28.12.2013 to 27.12.2033.
3. G.O Ms No.9, Dt.12.09.2014 from the Industries & Commerce (M.II) Department has issued amended orders for (30) years instead of (20) years for Mining Lease for Limestone for the period 28.12.2013 to 27.12.2043.
4. G.O.Ms.No.12, Dt.21.02.2017 from the Industries and Commerce (M.II) Department has granted extending the lease period up to 50 years from the date of original grant of mining lease i.e. from 28.12.2013 to 27.12.2063 for the mining lease held by M/s.Deccan Cements Limited for Limestone.
5. Telangana State Remote Sensing Application Centre has conducted ETS survey in the presence of lease holder of M/s.Deccan Cement Limited from 15.10.2019 to 31.10.2019 in two (02) mining lease areas of M/s.Deccan Cement Limited and submitted ETS survey report by the M/s TRAC Agency on 02.01.2020. After ETS survey, it is noticed that M/s.Deccan Cement Limited is working within the leased areas.
6. As per the M/s TRAC report, M/s.Deccan Cement Limited has obtained excess permitted quantity for limestone with payment of excess Royalty for mining lease for Limestone. Hence, there is no evaded Royalty is confirmed upto 31.10.2019.
7. As per the GO MS No.85 EFS&T (For.I) Department, date: 09.10.2018, the Forest Department have accorded permission for diversion of 183.11 HA of forest land in Compartment No.26 & 27 of Saradama Reserve Forest Division in Nalgonda district for limestone mining in favour of M/s.Deccan Cement Limited.
8. M/s.Deccan cements Limited has submitted approved mining plan by the IBM vide Lr No.AP/NLG/MPLst-276-SZ/1740, Dt.10.10.2013 & AP/NLG/MP/Lst-73/Hyd, Dt.20.11.2019 and also submitted a copy of the Environmental Clearance issued by GoI vide Lr No.J-11015/642/2007-IA.II(M) Dt.18.10.2007 & Lr No.J-11015/75/2015-IA.II(M) Dt.05.01.2017 and CFE issued by the AP PCB vide order No.277/PCB/CFE/RO-NLG/HO/2012-5168 Dt.05.02.2013 & Lr No.277/PCB/CFE/RO-NLG/HO/2017, Dt.30.03.2017 and also submitted a copy of CEO No.TSPCB/RCP/NLG/HO/CEO/2017-1458, Dt.08.08.2017 of TSPCB and its valid 30.04.2022.

Remarks of District Forest Officer, Suryapet:

1. The Conservator of Forests (Central) during his field inspection on 13.03.2018 has examined all the allegations levelled in para no.8 of the petitioner and submitted the field inspection report (enclosed).
2. It is not possible at this stage to ascertain whether the 8th respondent has encroached into RF land and carrying out excess of mining activity other than as permitted until DGPS/DGNSS survey is done."

26. After considering the report, this Tribunal had passed the following order:

"4. It is seen from the report that though the inspection was conducted by the forest officials on 13.03.2018 regarding the allegations made in paragraph 8 of this application, they have mentioned that they were not in a position to ascertain as to whether the eighth respondent had encroached into reserve forest land and

carried out excess mining activity other than permitted until DGPS/DGNSS Survey is done.

5. It is also mentioned in the report that there was excess mining found and that was ratified by collecting additional royalty and also granting excess permit. It is not known as to whether during the period for which the excess mining was done, any penalty was imposed as the lessee is not entitled to mine more than the permitted quantity, and if any excess quantity has been extracted, then it will be a violation of the lease which will lead to imposition of the penalty. Such a step is not seen to be taken in the instant case.

6. Though the inspection was conducted on 18.02.2020, there is nothing mentioned as to whether any step was taken by the forest department to ascertain the question as to any encroachment in the reserve forest area has taken place and whether any excess mining has been done.

7. They have only enclosed the report of the year 2018 of the Regional Office and the inspection report was dated 11.04.2018. After that report whether any survey has been conducted, the aspects to ascertain the lapses on the part of the project proponent is not clear from the report.

8. The Regional Mining Officer was expected to conduct a survey to ascertain as to whether any excess mining has been done by the project proponent and if so what is the action taken by them as well. But the report is silent about the same.

9. Though there are certain deficiencies noted regarding the Ambient Air Quality maintenance by the unit, it is not mentioned as to what is the remedial measures that needs to be taken to avoid the same in future as well.

10. Under such circumstances we direct the committee to revisit the issues mentioned and submit a detailed report regarding the things mentioned by us in the previous paragraphs and submit a comprehensive report to this Tribunal. The committee is also directed to assess the environmental compensation for the violation found as directed by this Tribunal in several cases of this nature and incorporate the same in the report.

11. The committee is directed to submit the report to this Tribunal within a period of two months through e-mail @ ngtszfilng@gmail.com.

12. The committee shall either send it by e-mail or do e-filing through their counsel, so as to avoid the delay in filing their report.

13. The Registry is directed to communicate this order to the committee members immediately through e-mail, so as to enable them to comply with the direction of this Tribunal."

27. The applicant has filed a detailed objection to the Joint Committee report stating that the 8th Respondent has not developed the necessary greenbelt. Restoration and reclamation of Mine (ML-1) was not done as per the conditions of the Forest Clearance (FC) and guidelines issued by the Hon'ble Supreme Court in Common Cause case. Failure to mention about

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the mining activities done by the 8th Respondent at a distance of 1.5 Km. from ancient monument of Janpahad Darga. The compensatory land to the extent of 73.93 Ha. has not been handed over to the Forest Department as per the Forest Clearance (FC) for Mine (ML-2) in respect of which, no action was taken and they will have to hand over another 44 Ha. as per the clearance, but nothing was mentioned about the same in the report. Though there were lot of non-compliances mentioned, probable action to be taken was not mentioned. Encroachment into the reserve forest area to the extent of 31.63 Ha. by the 8th Respondent was confirmed by the Forest Department, but what is the action taken was not mentioned. The impact of revocation of approval by the Forest Department for non-compliance of the conditions in the Forest Clearance (FC) in the year 2000 was not considered. So, the applicant wanted this Tribunal to appoint an independent Expert Committee or direct the Joint Committee to comply with the order of this Tribunal, after considering the objections made by them.

28. As per order dated 22.05.2020, this Tribunal had received the written submission submitted by the applicant through e-mail and also request made by the District Collector, Suryapet requesting further time and as such, this Tribunal had directed the committee to consider the objections raised by the applicant in the written submission and also earlier objections filed and submit a further report on those aspect as well.

29. Thereafter, on 19.08.2020, this Tribunal had considered the Joint Committee report dated 13.08.2020 which was extracted in Para 5 of the order which reads as follows:-

Hyderabad on 25.10.2019. The S.R.No. of the case is 1077/2019 and at present the case is pending in the court (Annexure -4).

Point No.6 of the Hon'ble NGT Order dated 04.03.2020 reads "Though the inspection was conducted on 18.02.2020, there is nothing mentioned as to whether any step was taken by the forest department to ascertain the question as to any encroachment in the reserve forest area has taken place and whether any excess mining has been done"

It is submitted that DGPS/DGNSS survey is done between 11th & 17th May 2020 and is ascertained that the Project Proponent (M/s Deccan Cements Ltd) has not extended his mining beyond the granted area (Maps enclosed). The handheld GPS maps of ML-2 & ML-3 done in 2014 are exactly tallied with DGPS maps done in May 2020. Major portion of ML-2 is within Compt No.27 while only a minor part is in Compt Nos 25 & 26. But, the overall area of the mine is 73.51 ha which is less than the original proposed area of 73.93 ha. Hence the allegation of encroachment of forest land for the purpose of mining is not proved.

It is submitted that during the DGPS survey certain encroachments are noticed. The project proponent has encroached reserve forest land to an extent of 8ha for the purpose of laying railway line and also erected some permanent establishments against the approved re-diversion area of 1.9337ha (Annexure -5).

Point No.7 of the Hon'ble NGT Order dated 04.03.2020 reads "They have only enclosed the report of the year 2018 of the Regional Office and the inspection report was dated 11.04.2018. After that report whether any survey has been conducted the aspects to ascertain the lapses on the part of the project proponent is not clear from the report"

It is submitted that DGPS/DGNSS survey is done between 11th & 17th May 2020 and is ascertained that the Project Proponent (M/s Deccan Cements Ltd) has not extended his mining beyond the granted area (Maps enclosed). The handheld GPS maps of ML-2 & ML-3 done in 2014 are exactly tallied with DGPS maps done in May 2020. Major portion of ML-2 is within Compt No.27 while only a minor part is in Compt Nos 25 & 26. But, the overall area of the mine is 73.51 ha which is less than the original proposed area of 73.93 ha. Hence the allegation of encroachment of forest land for the purpose of mining is not proved.

Point No.8 of the Hon'ble NGT Order dated 04.03.2020 reads as "The Regional Mining Officer was expected to conduct a survey to ascertain as to whether any excess mining has been done by the project proponent and if so what is the action taken by them as well. But the report is silent about the same"

During the inspection on 21.05.2020, M/s Deccan Cements Limited has operated both (02) mining leases in Compt No.27 of Sadulanama R.F. Mahankaligudem village over an extent of 73.93 Hects and Compt No.26 & 27 of Sadulanama R.F. Ravipahad Village over an extent of 183.11 Hects.

At the time of inspection, the stocks of limestone mineral is available at the mine site (ML-3) over an extent of 183.11 Hects for a quantity of about 11,500MT and the same is covered under permit system. About 28,000MT of Lime stone Mineral is available at the mine site (ML-2) in over an extent of 73.93 Hects and the same is covered under permit system.

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At the time of inspection, the representative of the Project proponent has informed that the clinker is established with a capacity of 1.7MT per annum X 1.4LCF. So feeding of the raw mineral of Limestone is getting from both the mining leases (i.e, ML-2 and ML-3). As per mining plan, the production of limestone details are as follows for the both mining leases.

ML-2

ML-3

Name of the year	Approved Production in MT	Produced in MT
2015-16	18,01,508	13,65,000
2016-17	11,73,099	14,30,000
2017-18	3,00,420	11,25,000
2018-19	12,00,544	12,02,800
2019-20	12,00,195	3,20,000
TOTAL	56,15,766	54,42,800

Name of the year	Approved Production in MT	Produced in MT
2015-16	3,46,000	2,29,400
2016-17	11,36,000	2,52,000
2017-18	23,00,000	6,22,000
2018-19	11,01,600	8,60,000
2019-20	18,01,238	14,23,410
TOTAL	66,84,838	33,86,810

Based on the plant capacity, both mining leases are working and revenue also exchequer to the Govt.

As per Rule 6 of Mines and Mineral (Development & Regulation), 1957, the Government has granted (2Nos) mining leases for Limestone to the M/s Deccan Cement Ltd based on the clinker capacity. As per records, M/s Deccan Cement Ltd violated excess quantity of limestone against the approved mining plan. However the Royalty paid for the excess quantity of Limestone.

The Regional Controller, Indian Bureau of Mines Hyderabad has informed that already initiated legal action for the excess mining of the limestone done by the M/s Deccan Cement Ltd during the year 2016-17 and 2017-18. A court case has been filed against the lessee by Regional Office IBM Hyderabad in court No. XVII Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad on 25/10/2019. The S.R.No. of the case is 1077/2019 and at present the case is pending in the court.

However, it is submitted that as per the Consent for Operation (CFO) issued by TSPCB, the consented capacity of limestone mining for ML-2 is 2.0 Million TPA and for ML-3 is 0.3 Million Tons Per Annum (up to July, 2017) and subsequently the capacity of ML-3 is increased to 2.3 Million Tons Per Annum from August, 2017. As seen from the above production done by the industry, the quantities of Lime Stone produced are within the consented capacity of TSPCB (Annexure -6).

In this connection, it is submitted that it is a fact that the Government of India, Ministry of Environment & Forests vide No. J-11015/642/2007-

"REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI IN O.A. NO.33 OF 2016 FILED BY SHRI VAKKANTI KOTESHWAR RAO Vs MOEF&CC AND OTHERS.

It is to submit that Sri Vakkanti Koteswara Rao, Nereducherla (M), Nalgonda District (now Suryapet District) has filed an Application before the Hon'ble National Green Tribunal, Southern Zone, Chennai (Application No. 33 of 2016) against M/s. Deccan Cements Ltd (8th Respondent) and the main prayer of the applicant is as follows:

- a) To direct cancellation of mining operations granted to the 8th Respondent (M/s. Deccan Cements Ltd., Nalgonda District.) as the same is within the 10KMs radius of the Janpahad Darga at Nalgonda District) owing to the fact that the license/permission was granted based on the fraudulent declaration made by the 8th Respondent (M/s. Deccan Cements Ltd., Nalgonda District.) in their Pre-feasibility Report and for failure to adhere to pollution norms.
- b) Pass any such order or further order as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

The Hon'ble NGT Chennai has heard the matter and passed orders dated 18.12.2019, constituting a Joint Committee consisting of District Collector, Nalgonda (now Suryapet District); Senior Official from Mining and Geology Department, Government of Telangana; Senior Scientist from the Telangana State Pollution Control Board and Divisional Forest Officer, Nalgonda Division (Now Suryapet District) to inspect the unit in question and submit the present status and compliance of Environmental norms and excess of quantity of mining being done or extensions of the area for mining beyond the permitted area as per the lease and also, any action has been taken against them and submit the factual and action taken report to this Tribunal by e-mail at ngtzzfiling@gmail.com within a period of two months. TSPCB will act as a nodal agency for consideration.

The Joint Committee has conducted inspection of the unit on 18.02.2020. The Joint Committee submitted the report to Hon'ble NGT on 03.03.2020.

The Hon'ble NGT heard the matter on 04.03.2020 and passed orders directing the Committee to revisit the issues mentioned and submit a detailed report regarding the things mentioned by NGT in the previous paragraphs of the order dt: 04-03-2020 and submit a comprehensive report to this Tribunal. The committee is also directed to assess the Environmental Compensation for the violation found as directed by this Tribunal in several cases of this nature and incorporate the same in the report.

The Hon'ble NGT directed the Committee to submit the report within a period of (2) months and the case was posted on 13.05.2020. Subsequently, the case was posted to 22.05.2020.

The Hon'ble NGT heard the matter on 22.05.2020 and granted 2 more months time to the Committee to submit report on request made by the District Collector in view of the Covid-19 pandemic situation prevailing in the state of Telangana and posted the case on 19.08.2020. The Hon'ble NGT stated that the Applicant has submitted additional written submissions before the Hon'ble Tribunal through e-mail and directed the applicant to submit the written submissions to the Committee also. The applicant has submitted the additional written submissions to the Committee (Annexure -1).

In this regard, it is submitted that the Committee has revisited the issues and the detailed report on the things mentioned by Hon'ble NGT in the Order dated 04.03.2020 and also the issues raised by the Applicant through additional written submissions is submitted below:

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1) Report on the things mentioned by Hon'ble NGT in the Order dated 04.03.2020:

Point No.4 of the Hon'ble NGT Order dated 04.03.2020 reads as "It is seen from the report that though the inspection was conducted by the forest officials on 13.03.2018 regarding the allegations made in paragraph 8 of this application, they have mentioned that they were not in a position to ascertain as to whether the eighth respondent had encroached into reserve forest land and carried out excess mining activity other than permitted until DGPS/DGNSS Survey is done".

It is submitted that the Project Proponent (M/s Deccan Cements Ltd) was granted 3 mining leases for Limestone mining i.e,

- i) ML-1 in 1990-91 by diverting 22.55 Ha of forest land. It was subsequently closed and handed over to Forest dept on 23/12/2000.
- ii) ML-2 in 1997-98 by diverting 73.93 Ha of forest land. This is currently under operation.
- iii) ML-3 in 2012-13 by diverting 183.11 Ha of forest land. This is currently under operation.

It is submitted that DGPS/DGNSS survey is done between 11th & 17th May 2020 and is ascertained that the Project Proponent (M/s Deccan Cements Ltd) has not extended his mining beyond the granted area (Maps enclosed) (Annexure -2). The handheld GPS maps of ML-2 & ML-3 done in 2012 are exactly tallied with DGPS maps done in May 2020. Major portion of ML-2 is within Compt No.27 while only a minor part is in Compt Nos.25 & 26. But, the overall area of the mine is 73.51 ha which is less than the original proposed area of 73.93 ha. Hence, the allegation of encroachment of forest land for the purpose of mining is not proved.

Point No.5 of the Hon'ble NGT Order dated 04.03.2020 reads "It is also mentioned in the report that there was excess mining found and that was ratified by collecting additional royalty and also granting excess permit. It is not known as to whether during the period for which the excess mining was done, any penal was imposed as the lessee is not entitled to mine more than the permitted quantity, and if any excess quantity has been extracted, then it will be a violation of the lease which will lead to imposition of the penalty. Such a step is not seen to be taken in the instant case".

The AD, Mines & Geology, Suryapet District vide letter dt:20.03.2020 and 15.07.2020 has requested the Regional Controller, Indian Bureau of Mines (IBM) for issue of further orders on the excess production of Limestone mineral during the year 2016-2017, 2017-18 & 2018-2019 for a quantity of 12,30,000MT (2016-17), 11,25,900MT (2017-18) and 12,02,800MT (2018-2019) against the approved mining plan quantity of 11,13,099MT (2016-17), 9,90,420 MT (2017-18) and 12,00,544MT (2018-2019). Hence, the difference quantity is 1,16,901MT (2016-17), 8,24,580MT (2017-18) & 2,256MT (2018-2019) of Limestone is excess produced against the approved mining plan. (Annexure -3).

The Regional Controller, Indian Bureau of Mines Hyderabad has informed that already initiated legal action for the excess mining of the limestone done by the M/s Deccan Cements Ltd during the year 2016-17 and 2017-18. A court case has been filed against the lessee by Regional Office, IBM Hyderabad in court No. XVII Additional Chief Metropolitan Magistrate Court, Nampally

IA.II(M), Dt. 18.10.2007 while issuing Environmental Clearance to M/s. Deccan Cements Limited (for ML-3), permitted the Company to produce Lime Stone at a capacity of 0.3 Million Tonnes per Annum with a condition that "Mining activity at Mine-3 (ML area 183.11 ha) at village Ravipahad, shall begin only after the Bhavinipuram Lime Stone Mine-2 (ML area 73.93 ha) located at village Mahankaligudem, adjacent to this mine, has exhausted its mineable ore". This condition was mentioned in the above EC of GoI., MOEF under A. specific conditions-III.

As against the above specific condition-III, M/s. Deccan Cement Limited has operated the Mine-3 before exhausted mineable ore of Mine-2 and operated both the Mines i.e. Mine-2 and Mine-3 simultaneously. Lime Stone Production from these two Mines is as follows.

Year	Mine-2 Production of Lime Stone in MT	Mine-3 Production of Lime Stone in MT
2013-14	13,72,000	Nil
2014-15	13,07,500	1,000
2015-16	13,65,000	2,29,400
2016-17	14,30,000	181000 (Up to the date of 04.01.2017)

Further, it is submitted that MOEF and CC, GoI while issuing Environmental Clearance order No. J-11015/375/2015-IA.II(M), Dt. 05.01.2017 for enhancement of Production capacity, permitted M/s. Deccan Cement Limited to increase their production capacity of Lime Stone of Mine-3 (183.11 Hects.,) from 0.3 Million Tonnes per Annum to 2.3 Million Tonnes per Annum. In this order, the earlier specific condition III (ML-3 shall begin only after ML-2 is exhausted) was not mentioned. Hence, the violation of specific condition-III by M/s. Deccan Cements Limited has been taken upto 04.01.2017.

In view of the above, it is observed that M/s. Deccan Cements Limited has violated the specific condition III of MOEF No. J-11015/647/2007-IA.II(M), Dt. 18.10.2009 by conducting Mining activity in Mine-3 simultaneously with Mine-2 before exhaustion of mineable Ore of Mine-2 and produced Lime Stone 1000 MT in the year 2014-15, 2,29,400 MT in the year 2015-16 and 1,81,000 MT in the year 2016-17 (Upto the date of 04.01.2017) i.e. before the date of order issued by MOEF No. J-11015/375/2015-IA.II(M), Dt. 05.01.2017 for enhancement of Production capacity of Mine-3, the condition was relaxed in the next EC order dated 05.01.2017.

In this regard, AD Mines & Geology, Suryapet District addressed a letter to the Director of Mines & Geology, Hyderabad vide No. 1879/M2/SRPT/1992, Dt. 13.07.2020 for taking necessary action in the matter (Annexure 7)

Point No. 9 of the Hon'ble NCT Order dated 04.03.2020 reads as "Though there are certain deficiencies noted regarding the Ambient Air Quality maintenance by the unit, it is not mentioned as to what is the remedial measures that needs to be taken to avoid the same in future as well".

TSPCB has issued a notice dated 20.05.2020 to the industry regarding the non-compliances observed during the Joint Committee inspection on 18.02.2020 and directed to take remedial measures. The

industry has submitted a reply dated 28.05.2020 to the notice regarding the remedial measures taken (Annexure -8 & 9).

The industry was again inspected by the Board officials on 19.06.2020 and 13.07.2020 to verify the remedial measures taken by the industry. During inspection, the following observations were made.

- 1) The industry is carrying out water spray on haul roads by using water tanker for suppression of the dust emissions. The industry has initiated installation of fixed water sprinklers at the haul roads.
- 2) Non-el. Delay detonators used to minimize the impact of Blasting on the surroundings. The blasting is done at day time only and the time of blasting is between 1.00pm & 2.00pm as per IBM approval.
- 3) The industry has installed water meter to the tanker used for spraying of water and separate meter provided for domestic water consumption.
- 4) The industry is using 3 no's of Road Sweeping machines to sweep on the roads within the industry to control fugitive emissions.
- 5) The industry has provided Sewage Treatment Plant (STP) at colony for the treatment of domestic waste water generated from industry and colony. The samples were collected on 19.06.2020 from the STP Inlet and STP outlet. The Analysis results are within the prescribed standards. The Analysis report is enclosed.
- 6) The kilns 1 and 2 are provided with RABH & Pulse Jet Bag filters respectively. The industry has ESP's for cooler -1 and cooler -2.
- 7) The industry has provided dust collection and extraction systems with bag filters at various transfer points and the collected dust is recycled back in the process.
- 8) The industry has provided sheds for storage of coal and other raw materials.
- 9) The industry has provided online continuous stack monitoring system for the 10 stacks and 3 CAAQM Stations and connected the same to the PSPCB server. The same are monitored regularly for compliance.
- 10) The Mine-2 was not in operation.
- 11) Mine-III was in operation and wet drilling is being carried out.
- 12) The industry has developed greenbelt in an area of about 21.84 Ha in Mine Lease-2 Area, 5.49 Ha in Mine lease-3 area and 18.5 Ha in plant and colony area.
- 13) SPM and AAO monitoring of the industry was conducted on 13.07.2020 and 14.07.2020. The monitoring values are within the standards. Copies of the Analysis reports are enclosed (Annexure -10). The monitoring results are as follows:
 - i) AAO Monitoring carried out at Periphery of the industry near main gate in down wind direction.

S. No.	Sampling Location	Timings	Results		
			RSPM	SO ₂	NO ₂
			µg/m ³	µg/m ³	µg/m ³

1)	AAQ Monitoring carried out at Periphery of the industry near main gate in down wind direction.	Conc. Value for 24 Hours	71	4	15
Ambient Air Quality Standards as per CFO			100	80	80

Observations made during the Sampling:

- 1) During the monitoring, water sprinkling is being done manually by using water tankers.
- 2) Vehicular movement was observed during monitoring.

ii) Stack attached to CPP Boiler of 70 TPH capacity.

S. No.	Parameter	Result	Standard
		mg/Nm ³	mg/Nm ³
1	SPM	38	50
2	SO ₂	267	600
3	NO _x	85	300
4	Mercury(Hg)	BDL	0.03

Observations made during Sampling:

- 1) The industry was operating the Boiler at 60 TPH Capacity during the monitoring.
- 2) The industry provided Electrostatic Precipitators (ESP's) as Air Pollution Control Equipment so as to control stack emissions & it is in operation.
- 3) The Height of the stack attached to chimney is 75 meters.

ii) Stack attached to Kiln - II of 3650 TPD capacity.

S. No.	Parameter	Result	Standard
		mg/Nm ³	mg/Nm ³
1	SPM	17	30
2	SO ₂	20	100
3	Nox	471	800

Observations made during Sampling:

- 1) During the monitoring the Kiln-II was operating at 3350 TPD capacity against installed capacity of 3650 TPD.
- 2) The industry provided Reverse Air Bag House (RABH) as Air Pollution Control Equipment to Kiln-II to control stack emissions & it is in operation.

Point No.10 of the Hon'ble NGT Order dated 04.03.2020 reads as "Under such circumstances we direct the committee to revisit the issues mentioned and submit a detailed report regarding the things mentioned by us in the previous paragraphs and submit a comprehensive report to this Tribunal. The committee is also directed to assess the environmental compensation for the violation found as directed by this Tribunal in several cases of this nature and incorporate the same in tribunal".

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Assessment of Environmental Compensation:

The Committee has examined and assessed the Environment Compensation as per the procedure laid down and as per the guidelines of CPCB. The Board has not issued Closure Direction to the industry. However, the Board issued Directions dated 21.04.2018 on exceeding of the Stack Emission values as per continuous Stack Emission Monitoring System Data. Hence, the Environment Compensation has been assessed based on the violations observed during the last 5 years period. The assessed amount of Environment Compensation is Rs.28,20,000/-. The details of calculations of Environment Compensation are as follows.

Environmental Compensation of M/s. Deccan Cements Ltd., Suryapet District

S. No	Date of Violation Observed	Date of order issued	Date of inspection for compliance verification	Number of days of violation	Remarks i.e, Non-compliance observations and action taken
1	17 th , 20 th , 21 st , 23 rd , 25 th , Feb, 2018 & 1 st , 2 nd , 5 th , 9 th , 10 th , 22 nd , 27 th , 28 th , 29 th and 30 th , March, 2018	21.04.2018	31.03.2018	15 days	<ul style="list-style-type: none"> ➤ Online monitoring results indicated the Stack Emission Values exceeding the standards during the said 15 days. ➤ No. of days exceeding the monitoring values is taken as violation.
2	18.02.2020	20.05.2020	19.06.2020 & 14.07.2020	123 days	<ul style="list-style-type: none"> ➤ AAQ Monitoring conducted at the main gate of the industry and the values exceeded the standards on 18.02.2020. ➤ Notice was issued to the industry on 20.05.2020 to take measures for compliance. Subsequently, the industry has taken measures such as: No. of road sweeping machines used, increased the water spraying with tanker on haul roads, initiated installation of fixed water sprinklers along the haul roads, wet drilling being carried out. During the inspection on 19.06.2020 it was observed that the industry has taken the above measures for control of fugitive emissions. However, CAAQM values are within the limits during the above period. ➤ AAQM was conducted on 13.07.2020, and the values are within the stipulated standards.
a) Total				138	
b) No. of days not operated the Industry				44	The unit was not in operation due to COVID-19 lockdown from 24.03.2020 to 06.05.2020.
Total days				94	

$$EC = PI \times N \times R \times S \times LF$$

$$EC = 80 \times 94 \times 250 \times 1.5 \times 1 = 28,20,000/-$$

EC = Environmental Compensation in INR

PI = Pollution Index of industrial sector (red category)

N = Number of days of violation took place

R = A factor in Rupees for EC (avg. 250)

S = Factor for scale of operation (large scale)

LF = Location factor (population less than 1 Million)

i. Pollution Index of industrial sector (PI): The Board has categorized industry under Red category. For red category of industries, average pollution index is 80.

ii. Number of days of violation (N):

The number of days for which violation took place is considered as the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by the Board as mentioned.

iii. Scale of operation (S):

The industry is considered as large scale as per consent issued by Board. The scale of operation (S) for EC estimation is considered as 1.5.

iv. Location factor (LF):

The industry is located at Ravipahad (V), Palakeedu (M), Suryapet District and the nearest municipality is Miryalaguda which is located at about 21 Km. Thus location factor (LF) is considered as 1 for EC estimation.

v. Factor in Rupees (R) (Rs):

As per the environmental compensation estimation guidelines, factor of rupees may be considered as Rs 250/- for estimating environmental compensation.

Hence, the amount of compensation assessed is Rs. 28,20,000/-.

II) Point wise Report on the issues raised by the Applicant through additional written submissions to Hon'ble NGT through email:

Point No. 1 I submit that 8th respondent informed you that total proposed project land acquired by own for the project is 74.5 hectares and 33% out of this i.e., 25 hectares of the Green belt around the periphery of the project area but in the ground reality the green belt does not even exist since the last 10 years the 8th respondent has never developed this Green belt. The ministry of Environment forest and climate change also confirmed this matter through environmental clearance dated 11th May 2017 letter no. N@J-11011/572/2007-IA II (I) the 8th respondent should be maintained Green belt as per the standards otherwise (if C. Environment clearance) are revoked or suspended without any relaxations the 8th respondent never developed any green belt around the periphery area of the project as mentioned in the E.C letter which should be carried out considering C.P.C.B guidelines including selection of the species and in consultation with the local DFO /Agriculture department.

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As per the EC order Dt: 11.05.2017, Greenbelt shall be developed in 33% of the project area within the plant premises with at least 10 mts wide Greenbelt on all sides along the periphery of the project area, along road sides etc., (Annexure -11).

i. As per the EC order dated 27.12.2007 issued to the Cement Plant, the total area of the plant is 53.8 Ha the Greenbelt area development required is at least 18Ha. (Annexure -12). While issuing EC order dated 11.05.2017, it was stated that the Regional office has submitted compliance report Dt:25.05.2016 and Project proponent has complied with the condition stipulated in EC Dt: 27.12.2007 except plantation of Greenbelt i.e., out of 18 Ha the project proponent has brought 16.4 Ha under Greenbelt development by planting different types of trees in and around the colony, Cement plant areas. The project proponent committed that the remaining area will be planted during the next monsoon. So far the industry has developed greenbelt of 18.5 Ha in the premises of plant and colony there by meeting 33% of area, but not fulfilled 10 mts wide along the periphery in some parts. The industry shall develop additional greenery to meet the 10 mts width along the periphery wherever it is deficit.

The area of 74.5ha as mentioned by the applicant is the total area of proposed expansion of cement plant and which is under process at MoEF&CC.

Point No.2: I submit that 8th respondent that is Deccan Cements limited the reclamation plan as stipulated in the F.C conditions has not been carried out properly and also the mine has not been closed properly as per IBM approved mine closure plan. Proper sloping has not been provided to the mined out area. The plantation carried out as part of the reclamation work has not been done since last 20 years and also deviations discussed above were confirmed in the F.No.F (CA)/1.1/64/AP/4/11(85)/90(p)1874 dated 04.07.2016 by deputy conservator of forests (central) to the principal secretary to the government of Telangana (copy enclosed).

We submit that, ministry of Environment, Forest and Climate change (Impact Assessment Division) issued an office memorandum Dt: 16.01.2020 with F.No: 23/34/2018-IA-III stating that during the mine closure the respective user agency should undertake re-grassing the mining area and other area which may have been disturbed due to a condition which is fit for growth of fodder, flora, fauna etc., this was done considering the Hon'ble supreme court vide order dt: 08.01.2020. In W.P.(civil) NO. 1142014 in the matter of common cause Vs. Union of India. (Office memorandum enclosed).

As per the IBM approved mining plan of Mine Lease - 1, part of the area is back filled and part of the area is kept as a water body for storage of the rain water. The project proponent has handed over the ML-1 area to the Forest Department on 23.12.2000 and the area now is under the control of the Forest Department. With regard to the Office Memorandum dated 16.01.2020 of MoEF&CC, Govt. it is a directive to the Authorities to include the following additional condition in the Environmental Clearances already granted to mining projects and to be granted henceforth. The mining lease holder shall after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.,

In this regard, it is submitted that the ML-1 area has already been closed as per the IBM approved mining plan and handed over to the Forest Department on 23.12.2000. Hence, this condition may not be applicable to ML-1. The other 2 mine leases of ML-2 & ML-3 are under operation and have expected life for a period upto the year 2050 & 2063 respectively.

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Point NO.3 I submit that according to ministry of railways letter no 2015/EnHM/15/01 Dated: 16.04.2018 New Delhi has been directed recommendations are whenever new siding/goods shed/Private freight Terminal /any loading/unloading point is being developed/constructed, consent to Establish should be taken from state pollution control board by the owner or the railway as the provisions of state pollution control board, keeping in view the with the notified areas/ air pollution control areas and categorization of industrial sectors.

Whenever the siding area existing consent for operate/ consent for operation should be obtained from state pollution control board by either owner or by the railway as the case may be in accordance with the provisions of state pollution control board, keeping in view the notified areas/air pollution control areas and categorization of industrial sectors.

With 8th respondent fully violation off these guidelines and illegally operation without C F E & C F O further illegally railway line starting in the forest area which is beside of 8th respondent factory site which doesn't have environment clearance and forest clearance and C F E, C F O and totally violation of above conditions.

The letter dated 16.04.2018 of Ministry of Railways stipulates regarding obtaining of the CFE / CFO from State PCB for the establishment of new railway siding / operation of existing siding. The Railway siding is located within the premises of the industry and the industry has already obtained CFE / CFO of the State PCB for the entire area for carrying out activities related to the production of Clinker / Cement. The industry has provided water sprinkling system at the loading / unloading of wagons area to control fugitive dust emissions.

It is further to submit that the project proponent has obtained permission for diversion of 1.9337 Ha of Forest Land for the construction of railway siding from the State Government vide G.O. Ms. No. 125 dated 19.12.2011 (Annexure -12).

Point NO.4. I submit that 8th respondent proposed plant 3 expansion along with consultant to the ministry of environment and climate change in form-1 proposal the 8th respondent has been given undertaking on 29.11.2019 in form-1 proposal stated there is no court cases and litigation pending declared in undertakings, but there is a pending and litigation of case in the National green tribunal South zone Chennai case no 33/2016 and also order passed by the N.G.T Chennai against the 8th respondent, so 8th respondent malafide intentionally suppress the this case and submit the mislead the M O E F & C and connected consultant of B.S Envitech Pvt Limited have doesn't have good track record in history, earlier debarred by the Ministry of Environment due to producing the fraud documents in the previous projects.

The allegation is regarding the declaration by the project proponent there is no litigation pending against the project inspite of the present NGT case pending in form application (Form-1) submitted to the MoEF&CC, GoI in connection with proposed expansion of the Cement Plant. The application for EC for the expansion is under process at MoEF&CC. The project proponent shall submit the revised information to the MoEF&CC regarding the present NGT case.

Point NO.5. I submitted that the 8th respondent hide the presence of one of historical place JANAPAHAD DARGA which is a pilgrimage center and symbol of national integrity within the 10km radius of buffer zone, the JANAPAHAD DARGA is at distance of 1.5 km from the project location.

The Archaeology and Museums Department, Government of Telangana vide letter dated: 30.06.2017 and 17.06.2020 has informed that Jarpahad Dargah located at Bhavanipuram, Ravipahad (V), Palakedu (M), Suryapet District is not a

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protected monument of their department. Hence the allegation that the mine area is located within the buffer zone of Janpahad Dargah does not arise as it is not a protected monument (Annexure -13).

Point NO.6 I submitted that the 8th respondent is already committed several violations including show cause notice received under the section: 5 of Environment (Protection) Act 1986 please find the, regarding P.C.B Guidelines for pollution control norms and M.C.D.R guidelines in cement production and mining operations (show cause notices from P.C.B and M.C.D.R violations letters in enclosed).

It is to submit that CPCB, has issued a notice dated 02.06.2017 to the industry for not submitting the action plan in connection with implementation of new emission standards. The industry has submitted reply to the notice along with action plan on 20.06.2017 to CPCB. At present, the industry is implementing the standards (Annexure -14).

Point NO.7 I submitted that as ordered by the Honourable National Green Tribunal (South zone Chennai) the committee held a meeting with the applicant Sri. Vakkanti Koteswar Rao at the premises of industry to understand his grievances, during the grievance meeting the applicant submitted important valid document evidence regarding the mining violations as per I.B.M Nagpur, forest encroachments and the UN-compliance EC conditions to all the committee members and requested them to convey to the Honourable National Green Tribunal, South Zone, Chennai through them. The applicant also submitted some more additional valid document evidences in written and the Assistant Director of Mines and Geology, Suryapet. I have also received a receipt for the received copies from both the officials.

All the documents submitted by the applicant are related to the above issues only.

Point No.8. I submitted that the forest DFO, Suryapet and Assistant Director of Mines and Geology, colluded each other with the Eighth respondent and wantonly reduce the actual effectness of the case while trying to protect the Eighth respondent.

It is submitted that the allegations are baseless and wrong. The applicant is trying to defame the government officials without any evidence for no fault of theirs.

Point No.9 I submitted that The Usen Agency Deccan Cement Limited (8th respondent) obtained a diversion of 73.93 hectares of forest land for mine-2 in the year 1997. The CA land which is to be handed over to the forest department for compensatory afforestation (non-forest land) before six months of issue of stage-2 approvals is not yet complied, in the year 2000 the District Forest Officer Nalgonda certified and also declared the matter and notified the 8th respondent that the order stands automatically revoked if the compliance conditions are not satisfied with 2 years time period from date of receipt of order, through RC-No 4317/35/99 date: 25-04-2000.

The project proponent has handed over CA land of 73.93 Ha for the ML-2 to the Forest Department on 14-04-1997 (Annexure -15).

Point No.10 I submitted that district forest office, Nalgonda written letter to the conservator of Forest, Hyderabad circle Rc. No: 4716/89/ST, (S5) (Vol.IV) date: 01-04-2002. The DFO, Nalgonda Declared that the CA land given is literally under disputed and based on the reports of the Divisional Forest Officer and Flying Squad Party they filed a complaint in sub-inspector of police, Mattampally Nalgonda district registered the FIR against the fraudulent GPA papers which is submitted by the 8th respondent.

The CA land equivalent to the area diverted for mining is handed over by the Project proponent along with costs towards its development (maps of CA land enclosed). However the applicant repeatedly mentions the same allegation through various other official correspondences but denies to agree the fact that the Non-forest CA land equivalent to the area diverted is handed over & mutated in the name of Forest department in revenue records.

It is further submitted that, the drafts of notification proposals of CA land has to be carried out by Forest dept. They are currently under progress. The Project proponent has nothing to do with the notification of these lands once they are mutated & handed over (Annexure-16).

Point No.11. I submitted that the DFO, Nalgonda also Declared that the user agency (8th respondent) committed and also promised that and user agency 8th respondent they shall restrict their mining activities in 73.93 hectares (mine-2) until the dispute is cleared and the user agency (8th respondent) also offered alternative CA land elsewhere.

However 8th respondent not fulfilled till now above condition, the applicant submits that both the committed and promises were not maintained by the 8th respondent. So the both officers (DFO Suryapet & ADMG Suryapet) did not convey notice to the Hon'ble Tribunal's all these violations of the 8th respondent in the inspection reports submitted by them.

As per the directions given by DFO, Nalgonda the 8th respondent (user agency) restricted their mining activities within the lease area i.e., 73.93ha till date. The user agency also offered alternative CA land at 2 places (Report enclosed).

Point NO.12. I submitted that the conservator of forest, Hyderabad circle, wrote a letter no: 6645/1993/D dated 23-11-2006 to the Divisional Forest Officer, Nalgonda requesting him to pursue the matter with the user agency (8th respondent) regarding the non-handover compensatory land the conservator of forests, Hyderabad circle also clearly declared and confirmed this in the letter that non-handing over of CA land by the 8th respondent stands as a violation of forest conservation act, 1980. This issue was not resolved till now.

The project proponent has handed over and it is mutated in the name of Forest department in revenue records.

Point NO.13. I submitted that through another letter RC. No: 2056/2007/S5 dated 14-05-2009 from District Forest Officer, Nalgonda ordered Forest Range Officer Miryalaguda to submit the reports regarding the notification of compensatory afforestation area which was pending since the last 12 years, again in the year 2013-2014, in the report of the controller and Auditor-General (CAG report). It was literally declared and reported that the issue regarding this CA land is still pending since the last 15 years and 4 months. According to forest conservation act 1980 the mining lease should be stand automatically revoked in the year 2000. But the 8th respondent has been continuing exploited mining activity in 73.93 hectares in the forest land since past two decades violation of under F.C.A. act, such illegal mining of a huge quantity of mineral and for such a long period of time. In the inspection reports submitted by the District Forest Officer, Suryapet and Assistant Director of mines and Geology, Suryapet to the Honourable National Green Tribunal South zone Chennai, the officers suppressing real facts the above matter intentionally to reduce the actual effect of the case and to protect and shield the 8th respondent from legal action and economical offence punishment. The Quantity of limestone mined out given is totally fraudulent and illegal. The Assistant director of Mines and Geology, Suryapet reported that only tiny of limestone was illegally excess mined to reduce the actual effect of the case.

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The CA land equivalent to the area diverted for mining is handed over by the Project proponent along with costs towards its development (maps of CA land enclosed). However the applicant repeatedly mentions the same allegation through various other official correspondences but denies to agree the fact that the Non-forest CA land equivalent to the area diverted is handed over & mutated in the name of Forest department in revenue records.

It is further submitted that the drafts of notification proposals of CA land has to be carried out by Forest dept. They are currently under progress. The Project proponent has nothing to do with the notification of these lands once they are mutated & handed over.

It is submitted that a mining lease (Mine -2 area 73.93ha) was granted to project proponent for lime stone in compartment No.27 of Saidulnama R.F., Mahankaligudem village, Palakur (erstwhile Nereducharla) Mandal over an extent of 73.93ha for a period of (20) years vide G.O. No.15, Ind. & Com (Mines -I) Department dated 05.01.2000. Further, the Govt vide G.O. Ms. No. 52 dated 20.09.2016 of Ind & Com (Mines) Department extended the lease period upto 50 years from the original grant of mining lease i.e., 09.02.2000 to 08.02.2050 under Sec 8A of MMDR Amendment Act, 2015.

The production of Limestone details as per the mining plan and original records furnished are as follows for ML-2.

ML-2

Name of the year	Approved Production in MT	Produced in MT
2015-16	18,01,508	13,65,000
2016-17	11,13,099	14,30,000
2017-18	3,00,420	11,25,000
2018-19	12,00,544	12,02,800
2019-20	12,00,195	3,20,000
TOTAL	56,15,766	54,42,800

In this regard, IBM vide letter dated 20.05.2020 has filed a case in Court No. XVII Addl. Chief Metropolitan Magistrate Court, Nampally, Hyderabad against the project proponent for conducting excess mining during the years 2016-17 & 2017-18.

Point No.14-I submitted that the 8th respondent violated the provisions of MMDR, 2017 in respect of Bhavanipatnam Limestone Mine over an area of 73.93 hectares in Mahankaligudem Village, Huzurnagar Mandal and Suryapet District Telangana State.

The 8th respondent has possibly and recklessly carried out excess mining of limestone for the year 2016-2017, this violation constitutes an offence punishable under Rule 63 of MMDR, 2017. It was proposed to produce 11,13,099 (Eleven lakh thirteen thousand ninety nine) tonnes during the year 2016-2017 and the production reported as 14,30,000 (Fourteen lakh thirty thousand) tonnes for the said year.

The excess mined quantity 3,16,901 (Three lakh sixteen thousand nine hundred one) tonnes, it is literally shown by the violation letter no. AP/NLG/LST-25/HYD meanwhile the applicant Sri.V. Koteswar Rao applied RTI dated 12.03.2020 requesting to the department of mines and Geology AD, Suryapet.

Lime stone permits Details of M/s. Deccan Cements Limited mine-2 for the year 2016-2017. In the reply letter no. 203/RTI/2016 Date: 19.03.2020. The department of mines and Geology furnished the statement showing the permit system and payment particular for the year 2016-2017. In this letter also the reported Lime stone extracted from MINE-2 was 14,30,000 (Fourteen lakh thirty thousand) tonnes. In this matter, the applicant submits that the Asst. Director, Mines and Geology, Suryapet wantedly hide this violation matter in the joint inspection report submitted to the Hon'ble Tribuna. So as to protect the 8th respondent, The A.D, M&G, Suryapet submitted in the joint inspection report that up to 31-10-2019 the quantity of limestone excess mined is 22,800 (Twenty two thousand eight hundred) tonnes only. The ADMG suryapet intentionally submitted a wrong report to reduce actual effectness of the case.

As per joint inspection report submitted by ADMG, Suryapet a total Quantity of 1,96,09,200 MT (One Crore Ninety Six Laks Nine Thousand Two Hundred) limestone was extracted from mine-2 until 31-10-2019. But from all the above evidences not only the excess extraction but the entire Quantity extracted 1,96,09,200 (One Crore Ninety Six Laks Nine Thousand Two Hundred) MT from mine-2 is illegal and violation is punishable under MCDR, 2017. Regarding mine-3 is illegal extracted Quantity of the limestone 28,61,800 MT (Twenty eight lakh sixty one thousand eight hundred). Both quantities of extracted limestone illegal mining is punishable under MCDR, 2017. I humbly brings this matter of the notice of the Hon'ble Nodal agency of joint committee.

The AD, Mines & Geology, Suryapet District vide letter dt:20.03.2020 and 15.07.2020 has requested the Regional Controller, Indian Bureau of Mines (IBM) for issue of further orders on the excess production of Limestone mineral during the year 2016-2017, 2017-18 & 2018-2019 for a quantity of 14,30,000MT(2016-17), 11,25,000MT(2017-18) and 12,02,800MT (2018-2019) against the approved mining plan quantity of 11,13,099MT (2016-17), 3,00,420 MT(2017-18) and 12,00,544MT(2018-2019). Hence the difference quantity is 3,16,901MT (2016-17), 8,24,580MT (2017-18) & 2,256MT (2018-2019) of Limestone is excess produced against the approved mining plan.

The Regional Controller, Indian Bureau of Mines Hyderabad has informed that already initiated legal action for the excess mining of the limestone done by the M/s Deccan Cements Ltd during the year 2016-17 and 2017-18. A court case has been filed against the lessee by Regional Office, IBM Hyderabad in court No. XMI Additional Chief Metropolitan Magistrate Court, Nampally Hyderabad on 25.10.2019. The S.R.No. of the case is 1077/2019 and at present the case is pending in the court.

Further this office Lr No.1879/M/SRPI/1992, Dt.15.07.2020 addressed a letter to the Regional Controller of Mines, Indian Bureau of Mines Hyderabad Regional office for taking necessary action on the excess produced quantity of 12,02,800 MT of Limestone for the year 2018-2019 of 12,02,800MT against the approved quantity 12,00,544 MT of Limestone.

In this regard it is submitted that M/s. Telangana State Remote Sensing Application Centre has conducted ETS survey on 15.10.2019 to 31.10.2019 in (02) mining lease areas of M/s Deccan Cement Limited and submitted ETS survey report on 02.01.2020.

As per ETS survey, the total volume of mineral for Limestone excavated from pits in (02) mining leases of M/s Deccan Cement Limited is as follows.

As per the ETS survey pit volume:-

S.No	Name of the lessee	Location	Mineral	Total Quantity in MT
01	M/s Deccan Cement Limited	Compt.No.27 of Saidulnama R.F Mahankaligudem Village, Palakeedu, (M)	Limestone	1,95,86,399.213MT
02	M/s Deccan Cement Limited	Compt.No.26&27 of Saidulnama R.F Mahankaligudem Village Palakeedu (M)	Limestone	28,41,429.634MT
TOTAL				2,24,27,828.85MT

After ETS survey it is noticed that M/s Deccan Cement Limited is working within the leased area in (02) mining leases for Limestone. However, on completion of ETS survey and arriving at the quantity of mineral actually extracted from two mining leases held by M/s Deccan Cement Limited, this office verified the lease-wise permits obtained by Lessee Company pertaining to two mining leases. The details of dispatch permits issued to M/s Deccan Cement Limited since execution of the lease deed upto 31.10.2019 (at completion of ETS survey work) pertaining to two mining leases is as given under.

As per the dispatch permit:

S.No	Name of the lessee	Location	Mineral	Total volume in MT
01	M/s Deccan Cement Limited	Compt.No.27 of Saidulnama R.F Mahankaligudem Village Palakeedu Mandal.	Limestone	1,96,09,200MT
02	M/s Deccan Cement Limited	Compt.No.26&27 of Saidulnama R.F Mahankaligudem Village Palakeedu Mandal.	Limestone	28,61,800MT
Total				2,24,71,000MT

Comparison Statement showing Limestone extracted from (02) MLs arrived as per ETS survey and Mineral covered under Permit System by M/s Deccan Cement Limited:

S.No	Name of the lessee	Mining lease Location	Mineral	As per the TRAC Report, the quantity in MT up to 31.10.2019	Permits obtained qty in MT up to ETS Survey i.e up to 31.10.2019	Balance quantity in MT up to ETS Survey i.e up to 31.10.2019	Remarks
01	M/s Deccan Cement Limited.	Compt.No.27 of Saidulnama R.F Mahankaligudem Village Palakeedu	Lime Stone	1,95,86,399.213 MT	1,96,09,200 MT	(+) 22,800.787MT	Excess Permit obtained.

02	M/s Deccan Cement Limited.	Compt.No.26&27 of Saidulnama R.F Mahankaligudem Village Palakeedu	Lime Stone	28,41,429.634 MT MT	28,61,800 MT	(+) 20,370.366MT	Excess Permit obtained.
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It is submitted that M/s Deccan Cements Ltd is obtained dispatch permit for a quantity of i.e 1,96,09,200MT and 28,61,800MT of Limestone from the Asst. Director of Mines & Geology, Suryapet in the Sy No. Compt.No.27 of Saidulnama R.F Mahankaligudem Village Palakeedu over an extent of 73.93Hects and in Sy No. Compt.No.26&27 of Saidulnama R.F Mahankaligudem Village Palakeedu over an extent of 183.11Hects only.

As seen from the above table, the mining lease holder M/s Deccan Cement Limited has obtained excess permitted quantity for Limestone with payment of Royalty for both mining leases. Hence there is No evasion Royalty up to the date of survey 31.10.2019.

Point No.15. I have submits that the mining activity at Mine-3 (ML area 183.11 hectares) at village Ravipahad shall beginning only after the Bhadrampuram Limestone Mine-2 (ML area 73.93 hectares) located at village Mahankaligudem adjacent to this mine has exhausted its mineable ore. The above condition is declared by the Ministry of Environmental and Forests, Government of India in the 2007 Environmental clearance itself. The 8th respondent violated the above condition and both mine-2 and mine-3 are in operation. The district Forest officer, Suryapet (DFO) and Assistant Director, mines and Suryapet also wontedly supporting to the 8th respondent till now.

M/s. Deccan Cements Limited has violated Condition III of specific conditions EC No. 11015/642/2007-LA II(M), Dt.18.10.2009 by conducting Mining activity in Mine-3 simultaneously with Mine-2 before exhaustion of mineable Ore of Mine-2 and produced Lime Stone 1000 MT in the year 2014-15, 2,79,400 MT in the year 2015-16 and 1,81,000 MT in the year 2016-17 (Up to the date of 04.01.2017) i.e. before the date of order issued by MOEF No. J-11015/75/2015-LA II(M), Dt. 05.01.2017 for enhancement of production capacity of Mine-3, the condition was relaxed in the next EC order dated 05.01.2017.

Point No.16. I submitted that Ministry of Environmental and Forests issued an office memorandum vide no.J-11015/200/2008-LA/II (m) dated: 31-3-2011 prescribing the procedure to be followed for consideration of projects for environment clearance which involves forest land. On 9th Sept. 2011 the above referred on dated 31-03-2011, partial amendment was done (amended on enclosed)

As per the date 09-09-2011 the proponent of the project should submit the stage-1 forestry clearance within 12 or 18 months of obtaining the EC from competent Authority.

Actually the 8th respondent obtained an EC in the year 2007 (enclosed) regarding permissions for mine-3, Ravipahad village, Nereducharla Mandal, Hzurnagar taluk, Nalgonda District, Andhra Pradesh with a mining lease area 183.11 hectares in the forest land. (Actually the 8th respondent obtained the stage-1 forest clearance in the year 2012 (annexed) Lt.no: F.No.8-85/2011-FC GOI MOEF (F.C. Division). The applicant humbly convey notifies to the Hon'ble Tribunal that this is a violation of the procedure prescribed under EIA notification 2006 which categorically declared that under violation of MOEFCC office memorandum vide no. J-11015/200/2008-

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IA/II (m) dated: 31-3-2011. AS per the EIA notification, 2006 the Environmental clearance and Forest clearance obtained by the 8th respondent stands de-novo for mine-3. Subsequently exploited mining operation in mine-3 all illegal.

I have humbly submits that the 8th respondent did not submitted IBM mining plan to obtain the Forest clearance for mine-3. When submission of IBM mining plan is a compulsory during the proposals for Forest clearance as per the rule of forest conservation act. 1980, Actually the 8th respondent received IBM mining plan in 2015 this is the purely violation of forest conservation act 1980.

It is alleged by the complainant that EC dated. 18.10.2007 is invalid since the project proponent has violated Ministry Guidelines dated 09.09.2011. It is apt to mention here that EC was subsequently issued on 05.01.2017 to ML-3. Hence, all the allegations and shortcomings that was existing during the grant of earlier EC in 2007 were completely examined by the competent authority and arrived at the considered decision of granting EC subject to the above mentioned conditions. This issue was also examined and concluded by Conservator of Forests (Central) during his field inspection on 12.03.2018. Hence, non-submission of approved mining plan for grant of EC does not arise.

Point No.17. I submitted that the 8th respondent encroached the forest land in the compartment 26 and compartment 27, Saidulunnama reserve forest Janapahad and illegally established permanent constructions in compartment 27 is above 22 hectares and in compartment 26 is 18 hectares respectively, total forest land encroached for the permanent constructions is above 40 hectares in compartments like crusher, stockyard of guest houses and officers quarters in compartment 27 and in compartment 26 the 8th respondent buildings in encroached area. The applicant complaint lodged about this issue to the higher officials of the forest department and district collector, Suryapet for several times but the officials neglected grievances. When the Honourable Tribunal asked about the encroachment the officials reported that the no encroachment were done for mining and tried to divert the attention of Honourable Tribunal. The encroachment was actually done illegally erected cement plant and other permanent constructions.

It is submitted that, the Reserve Forest block of Saidulunnama is declared in 1955 as per Hyderabad Forest Act. This notification & map of Saidulunnama RF block is based on village map/maps in which it is mentioned as Mahasura. These village maps are prepared in 1952 (copies enclosed) which clearly show that the permanent constructions of company such as crusher, coal yard, oil bunk, canteen etc are located outside the boundary line of Mahasura. On superimposing the village maps with DGPS surveyed maps, it is observed that the company establishments such as canteen, oil bunk etc are located outside the RF boundary. However, satellite imageries showing kml files & GIS layers are showing that these structures are falling inside the boundary line. This anomaly has to be rectified. The satellite imageries are only guiding tools for field officers but not to be treated as actual boundary lines. It is the description of forest gazette notification that is to be treated as authentic in case of any discrepancies that arise from the survey it is observed that the project proponent has encroached into the reserve forest area for the purpose of erecting some permanent structures like to sheds and power plant to an extent of 8.00 Hects. Hence the project proponent is instructed by the committee to get the diversion of the RF area to the extent required by the following due procedures as per Rules.

Point No.18. I submitted that 8th respondent has taken forest diversion of mine-2, of 73.93 hectares in the year of 1997 but the same user agency that is 8th respondent has been taken forest diversion of 1.9337 hectares is the same forest land in the year 2011 has been taken, which earlier within the 73.93 hectares of land for mining purpose. And again 1.9337 hectares of forest land re diverted for construction of

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railway sliding in saidulnama reserve forest compartment no.27, it literally and categorically fully violated of forest conservation act 1980 in Part-C in chapter-1 para no. 1.7 sub-class-(1).

When any forest land of any portion thereof is assigned to any authority, corporation, agency or any other organization wholly owned, managed or controlled by the concerned State/Union Territory Government and/ or the Central Government. Such Government owned, managed/ corporation agency, which has been assigned such forest land, shall not reassigning or any part thereof to any other organization or individual.

That illegal mining and illegal forest land encroachment statutorily defined as violated, the 8th respondent is playing havoc with the national economy and exploited natural resources.

Casted on ominous cloud on the credibility of the system of governance by laws in force. Also the 8th respondent is marred by a lot of controversy regarding the threats to the environment.

It is submitted that the Project proponent has followed all due procedures for re-diversifying the diverted land. Applicant might be unaware of the fact that provisions under FCA (1980) permit the User Agency to alter their land use plan as per their need. The altered portion of land is utilized by the Project proponent (M/s Deccan cements ltd) only but not re-assigned it to other agency or any individual. Hence the allegation made by the applicant is false.

Summary and Recommendations:

The Archaeology and museums department, Government of Telangana vide letter dated 30.06.2017 and 17.06.2020 has informed that Janpahad Dargah located at Baavanipuram, Ravipahad (V), Palakoddi (M), Suryapet District is not a protected monument of their department. Hence the allegation that the mine area is located within the buffer zone of Janpahad Dargah does not arise as it is not a protected monument.

- i) DGPS/DGNSS survey is done between 11th & 17th May 2020 and is ascertained that the Project Proponent (M/s Deccan Cements Ltd) has not extended his mining beyond the granted area.
- ii) The CA land equivalent to the area diverted for mining (73.93 Ha) is handed over by the Project proponent along with costs towards its development. The Non-forest CA land equivalent to the area diverted is handed over & mutated in the name of Forest Department in revenue records.
- iii) The Regional Controller, Indian Bureau of Mines Hyderabad has informed that already initiated legal action for the excess mining of the limestone done by the M/s Deccan Cements Ltd during the year 2016-17 & 2017-18. A court case has been filed against the lessee by Regional Office, IBM Hyderabad in court No. XVII Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad on 25.10.2019. The S.R.No. of the case is 1077/2019 and at present the case is pending in the court. The Asst Director of Mines & Geology Suryapet vide Lr No.1879/M/SRPT/1992, Dt. 15.07.2020 has again requested to the Regional Controller of Mines, Indian Bureau of Mines Hyderabad Regional office for taking necessary action on the excess produced quantity of Limestone i.e. 2256MT for the year 2018-2019. (12,02,800MT produced against the approved mining plan quantity 12,00,544MT of Limestone). As per records, M/s Deccan Cements Ltd violated excess quantity of Limestone against the approved mining plan. However the Royalty paid for the excess quantity of Limestone. However the overall quantity

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of the Limestone mining was within the consented capacity as per CFO issued by TSPCB.

- v) It is observed that M/s. Deccan Cements Limited has violated the condition III of specific conditions of MOEF EC No. 11015/642/2007-IA.II(M), Dt.18.10.2009 by conducting Mining activity in Mine-3 simultaneously with Mine-2 before exhaustion of mineable Ore of Mine-2 and produced limestone 1000 MT in the year 2014-15, 2,29,400 MT in the year 2015-16 and 1,81,000 MT in the year 2016-17 (Upto the date of 04.01.2017), i.e. before the date of order issued by MOEF No. J-11015/375/2015-IA.II(M), Dt. 05.01.2017 for enhancement of Production capacity of Mine-3, but the condition was relaxed in the next EC order dated 05.01.2017. However the overall capacity is within the consented capacity as per the CFO issued by the TSPCB.
- vi) As per the EC order dated 21.12.2007 issued to the Cement Plant, the total area of the plant is 53.8 Ha and the Greenbelt area development required is at least 18 Ha. So far the industry has developed greenbelt of 18.5 Ha in the premises of plant and colony there by meeting 33% of area, but not fulfilled 10 mts width Greenbelt along the periphery in some parts. The industry shall develop additional greenbelt to meet the 10 mts width along the periphery wherever it is deficit.
- vii) The ML-1 area has already been closed as per the IBM approved mining plan and handed over to the Forest Department on 23.12.2000. The other 2 mine leases of ML-2 & ML-3 are under operation and have expected life for a period up to the year 2050 & 2063 respectively.
- viii) The letter dated 16.04.2018 of Ministry of Railways stipulates regarding obtaining of the CFE / CFO from State PCB for the establishment of new railway siding/ operation of existing siding. The Railway siding is located within the premises of the industry and the industry has already obtained CFE / CFO of the State PCB for the entire area for carrying out activities related to the production of Clinker / Cement. The industry shall carry out regular water sprinkling to control fugitive dust emissions during the loading / unloading of the wagons.
- ix) The allegation is regarding the declaration by the project proponent there is no litigation pending against the project in spite of the present NGT case pending in their application (Form-1) submitted to the MoEF&CC, Govt in connection with proposed expansion of the Cement Plant. The application for EC for the expansion is under process in MoEF&CC. The project proponent shall submit the revised information to the MoEF&CC regarding the present NGT case.
- x) CPCB has issued a notice dated 02.06.2017 to the industry for not submitting the action plan in connection with implementation of new emission standards. The industry has submitted reply to the notice along with action plan on 20.06.2017 to CPCB. At present the new emission standards are implemented by the industry.
- xi) The Committee has examined and assessed the Environment Compensation as per the procedure laid down and as per the guidelines of CPCB. The assessed amount of Environment Compensation is Rs.28,20,000/- which is non ble. Tribunal may consider imposing the Environmental Compensation of Rs.28,20,000/- on the industry.
- xii) The industry shall not encroach into the forest land for the purpose of Mining, since it is observed that the project proponent has encroached in to the reserve forest area for the purpose of erecting some permanent structures like to sheds and power plant to an extent of 8.00 Hects, the project proponent is instructed by the committee to go for diversion of the RF area to the extent required by the following due procedures as per Rules.

- xiii) The industry shall maintain and operate all the Air Pollution Control Systems to meet the Emission Standards.
- xiv) The industry shall provide and operate fixed water sprinklers all along the haul roads to control the fugitive emissions.
- xv) The industry shall maintain the frequency of the usage of the mechanized road sweeping machines to control the fugitive emissions.
- xvi) TSPCB shall regularly monitor the industry for compliance of environment standards."

30. Since the counsel for the applicant as well as the 8th Respondent wanted to file their objection to the Joint Committee report, liberty was given to them to file their objections and the Regional Office, MoEF&CC was directed to consider the report and submit their report regarding the action (if any) taken on the basis of the findings of the committee on certain violations and short comings noted in accordance with law. When it was taken up on 06.11.2020, the learned counsel appearing for the MoEF&CC wanted some more time to file their action taken report.

31. The Telangana State Pollution Control Board has filed the report dated 05.11.2020 which reads as follows:-

REPORT OF THE BOARD IN O.A. NO. 33 OF 2016 IN
HONBLE. NGT, CHENNAI FILED BY SRI. VAKKANTI
KOTESWARA RAO, NEREDUCHERLA (M), SURYAPET DISTRICT
REGARDING M/S. DECCAN CEMENTS LTD., SURYAPET
DISTRICT

1. It is to submit that Sri Vakkanti Koteswara Rao, Nereducherla (M), Nalgonda District has filed an Application before the Hon'ble National Green Tribunal, Southern Zone, Chennai (Application No. 33 of 2016) against M/s. Deccan Cements Ltd (8th Respondent) and the main prayer of the applicant is as follows:

- a) To direct cancellation of mining operations granted to the 8th Respondent (M/s. Deccan Cements Ltd., Nalgonda District.) as the same is within the 10KMs radius of the Janpahad Darga at Nalgonda District, owing to the fact that the license/permission was granted based on the fraudulent declaration made by the 8th Respondent (M/s. Deccan Cements Ltd., Nalgonda District.) in their Pre feasibility Report and for failure to adhere to pollution norms.

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b) Pass any such order or further order as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

2. The Board has submitted report to Hon'ble NGT in 2016.

3. The Hon'ble NGT, Chennai has heard the matter and passed orders dated 18.12.2019 constituting a Joint Committee consisting of District Collector, Nalgonda (now Suryapet District); Senior Official from Mining and Geology Department Government of Telangana; Senior Scientist from the Telangana State Pollution Control Board and Divisional Forest Officer Nalgonda Division (Now Suryapet District) to inspect the unit in question and submit the present status and compliance of Environmental norms and excess of quantity of mining being done or extension of the area for mining beyond the permitted area as per the lease and if so, any action has been taken against them and submit the factual and action taken report to the Tribunal within a period of two months. TSPCB will act as a nodal agency for consideration.

4. Accordingly, TSPCB vide letter dated 16.01.2020 has nominated Sri. P. Sharath Kumar, Environmental Scientist, Central Laboratory, TSPCB, Hyderabad as a representative of the Joint Committee. Other Members of the Joint Committee are as follows:

- Shri S. Mohan Rao, RDO, Suryapet (Representative of District Collector, Suryapet).
- Shri G. Mukund Reddy, DFO, Suryapet.
- Shri S. Surender, Asst. Director of the Mines and Geology, Suryapet.

5. As per the instructions, the Joint Committee has conducted inspection of the unit on 18.02.2020. The Joint Committee had a meeting with petitioner Sri. Vakkanti Koteswara Rao at the industry to understand his grievances. The Joint Committee has conducted the inspection of the unit along with the petitioner and industry representatives.

6. The Joint committee submitted report to Hon'ble NGT, Chennai on 03-03-2020. The Hon'ble NGT heard the matter on 04.03.2020 and passed orders directing the Committee to revisit the issues mentioned and submit a detailed report regarding the things mentioned by NGT in the previous paragraphs of the order dt: 04.03-2020 and submit a comprehensive report to Tribunal. The committee was also directed to assess the Environmental Compensation for the violation found as directed by the Tribunal in several cases of this nature and incorporate the same in the report.

7. In this regard, it is submitted that the Committee has revisited the issues and the detailed report on the issues mentioned by Hon'ble NGT in the Order dated 04.03.2020 along with environmental compensation assessment and also the issues raised by the Applicant through additional written submissions was submitted to Hon'ble NGT on 13.08.2020.

8. The case came up for hearing before the Hon'ble NGT on 19.08.2020. The Hon'ble NGT, Chennai vide Order dated: 19.08.2020 stated the following:

"The Committee have assessed the environmental compensation and they want this Tribunal to approve the same and pass appropriate orders. It may be mentioned here that it is not for the Tribunal to pass any order in respect of environmental compensation. That is for the regulator to take appropriate action against the violators after giving an opportunity to the violating industry to be heard.

So under such circumstances, we direct the regulators to consider the report and take appropriate action against the alleged violating unit, after giving an opportunity to the unit and pass appropriate orders and submit a compliance report regarding the same to the Tribunal. We do not express any opinion regarding the report at this stage. The regulating authorities namely the Pollution Control Board and Regional Office, Ministry of Forest & Climate Change (MoEF & C) are also directed to consider the question of alleged violations mentioned in the report and the action taken on that basis before the next hearing date.

For consideration of further action taken report and objections, post the matter on 06.11.2020".

9. In compliance with the directions of the Hon'ble NGT, Chennai the report the Joint Committee was taken into consideration and reviewed before the Task Force Committee of the Board on 23.10.2020. The industry was given the opportunity of hearing to explain the methodology for assessment of Environmental Compensation.

10. The Industry representative attended the meeting and was given opportunity of hearing to explain the methodology for assessment of Environmental Compensation and also to review the industry on the observations made by the Joint Committee in their report.

The Joint Committee made the following observations:

- 1) The industry is carrying out water spray on haul roads by using water tanker for suppression of the dust emissions. The industry has installed installation of fixed water sprinklers at the haul roads.
- 2) Non-d Delay detonators used to minimize the impact of Blasting on the surroundings. The blasting is done at day time only and the time of blasting is between 1:00pm & 2:00pm as per BM approval.
- 3) The industry has installed water meter to the tanker used for spraying of water and separate meter provided for domestic water consumption.
- 4) The industry is using 3 no's of Road Sweeping machines to sweep on the roads within the industry to control fugitive emissions.
- 5) The industry has provided Sewage Treatment Plant (STP) at colony for the treatment of domestic waste water generated from industry

and colony. The samples were collected on 19.06.2020 from the STP Inlet and STP outlet. The Analysis results are within the prescribed standards. The Analysis report is enclosed.

6) The kilns 1 and 2 are provided with RABH & Pulse Jet Bag filters respectively. The industry has ESP's for cooler - land cooler -2.

7) The industry has provided dust collection and extraction systems with bag filters at various transfer points and the collected dust is recycled back in the process.

8) The industry has provided sheds for storage of coal and other raw materials.

9) The industry has provided online continuous stack monitoring systems to the 10 stacks and 3 CAAQM Stations and connected the same to the TSPCB server. The same are monitored regularly for compliance.

10) The Mine-2 was not in operation.

11) Mine-III was in operation and wet drilling is being carried out.

12) The industry has developed greenbelt in an area of about 21.84 Ha in Mine Lease-2 Area, 5.49 Ha in Mine lease-3 area and 18.5 Ha in plant and colony area.

13) Stack and AAQ monitoring of the industry was conducted on 13-07-2020 and 14-07-2020. The monitoring values are within the standards. Copies of the Analysis reports are enclosed (Annexure-1). The monitoring results are as follows:

i) AAQ Monitoring carried out at Periphery of the industry near main gate in down wind direction.

Sl. No.	Sampling Location	Timings	Results		
			RSPM µg/m ³	SO ₂ µg/m ³	NO ₂ µg/m ³
1)	AAQ Monitoring carried out at Periphery of the industry near main gate in down wind direction.	Conc. value for 24 hours	71	80	15
	Ambient Air Quality Standards as per CFO		100	80	80

Observations made during the Sampling:

- 1) During the monitoring water sprinkling is being done manually by using water tankers.
- 2) Vehicular movement was observed during monitoring.
 - ii) Stack attached to CPP Boiler of 70 TPH capacity

Sl. No.	Parameter	Result mg/Nm ³	Standard mg/Nm ³
1	SPM	38	50
2	SO ₂	267	600
3	NO ₂	85	300
4	Mercury(Hg)	BDL	0.03

Observations made during Sampling:

1) The industry was operating the Boiler at 60 TPH Capacity during the monitoring.

2) The industry provided Electrostatic Precipitators (ESP's) as Air Pollution Control Equipment so as to control stack emissions & it is in operation.

3) The Height of the stack attached to chimney is 75 meters.

iii) Stack attached to Kiln -II of 3650 TPD capacity.

S. No.	Parameter	Result mg/Nm ³	Standard mg/Nm ³
1	SPM	17	30
2	SO ₂	20	100
3	NO ₂	471	800

Observations made during Sampling:

1) During the monitoring the kiln-II was operating at 3350 TPD capacity against installed capacity of 3650 TPD.

2) The industry provided Reverse Air Bag House (RABH) as Air Pollution Control Equipment to kiln-II to control stack emissions & it is in operation.

11. The Committee noted that the industry is complying with the directions and Consent conditions issued by the Board and also observed that there are no incidences of exceedences of values through Online Continuous Emission Monitoring System (OCEMS) over the last six months.

12. Regarding assessment of Environmental Compensation, calculation of the assessment was explained to the industry. The factors considered and the number of days of violation taken into consideration was in detailed explained to the industry before finalization of Assessment of EC and passing the orders. After detailed discussions, the Committee recommended to issue directions to the industry for payment of Environmental Compensation.

13. The Board issued directions dt. 04.11.2020 to the industry directing to pay the Environmental Compensation of Rs. 28,20,000/- and also issued other directions to the industry for compliance (Annexure-II)."

32. The 8th Respondent has filed their written submission and they wanted some time to file their objections to the report submitted by the Telangana State Pollution Control Board. So, the matter was adjourned for that purpose.

33. Again the matter was taken on 22.02.2021 and this Tribunal had given liberty to the parties to file their objections (if any) to the subsequent report filed by the Joint Committee and then, passed the following order:-

"5. We have received the Joint Committee report dated 19.02.2021 considering the objections filed by the applicant. However, we have not received the independent report to be filed by the MoEF&CC as directed by this Tribunal.

6. The learned counsel who represented the counsel appearing for the MoEF&CC wanted some more time for filing the report.

7. The report filed by the Joint Committee recently also does not show the status of the mining closure measures taken in respect of Mine-I directed to be complied by the 8th respondent. They also have not mentioned as to whether any excess mining has been done in the encroached area and what is the action taken by them for realization of royalty of excess mining and penalty thereof, except stating that they are taking steps for regularization of the same. What are all the steps taken by them in respect of encroachment into the forest area was also not made clear in the report. They also have not given the details regarding the compensatory afforestation land of 73.93 Ha, which is said to have been mutated in the name of Forest Department and what is the stage of the mutation and steps taken by them for that purpose.

8. According to the applicant, as per the details produced along with the joint committee report, the extent of the land for Compensatory Afforestation did not tally with the actual extent expected to be transferred under the Compensatory Afforestation Scheme.

9. The committee is also directed to explain the same in the subsequent report to be filed. The committee as well as the MoEF&CC are directed to submit the report to this Tribunal on or before 22.03.2021 by e-filing in the form of Searchable & OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

10. The Registry is directed to communicate this order to the members of the committee as well as to the official respondents by e-mail immediately so as to enable them to comply with the direction."

34. As per the directions of this Tribunal, the MoEF&CC has filed the further reply affidavit dated 23.09.2021, e-filed on the same date contending that as directed by this Tribunal by its order dated 19.08.2020, the Integrated Regional Office, Hyderabad has requested the Telangana State Government to submit factual report regarding alleged violations that is encroachment into reserve forest land. Pursuant to the same, the Telangana State Government vide Lr. No.1312/FOR.I(1)/2014 dated 22.04.2021 submitted an enquiry report to the Integrated Regional Office,

Hyderabad and on that basis, the Ministry vide Lr. dated 05.08.2021, issued a show cause notice to the project proponent namely, M/s. Deccan Cement Ltd. for its non-compliance and violation of specific conditions imposed in the Environmental Clearance (EC) dated 18.10.2017 and 05.01.2017 granted by the Ministry evidenced by Annexure - A1. Subsequent to the above development, the Telangana State Government vide Lr. No.1632/Forest.I(1)/2020 dated 22.04.2021, forwarded the proposal for regularization of 8.02 Ha. of forest area in Saidulunama Reserve Forest of Suryapet Division for establishing part of railway siding and associated activities and other permanent structure in Suryapet District in favour of the 8th Respondent. As the proposal is linear in nature and having area more than 5 Ha. with violation of Forest Conservation Act, 1980, Integrated Regional Office, Hyderabad placed the proposal before the Regional Empowered Committee for consideration to take appropriate decision as per the provisions of the Forest (Conservation) Act, 1980 and the Rules there under. The Regional Empowered Committee in its 4th Meeting held on 07.05.2021, noted the interim order passed by this Tribunal and discussed the issue in detail and examined the proposal and after hearing the Forest Department and the 8th Respondent and considered the nature of violation committed, came to the conclusion that the user agency utilized encroached additional 8.02 Ha. has to be penalized as per provisions made in the Comprehensive Handbook under 1.21(iii)(a) and also decided to impose penal compensatory afforestation as proposed by the State Government. Thereafter, recommended the proposal with following additional conditions evidenced by Annexure - A2 produced along with the reply:-

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"a. Committee decided to impose a penalty of 2 times the NPV as per provisions made in the comprehensive guidelines hand book under section 1.21 (iii) (a);

b. The violation committed by the User Agency / Forest Department officials shall be dealt as per the provisions made in State Forest Act or FC Act and its Rules and guidelines made there under.

c. Penal Compensatory Afforestation (PCA) over 17 ha of degraded forest area Comp No 4, Ramavaram RF, Pengadapa beat, Musalivarre (W), Ramavaram Range shall be carried out with financial outlay of Rs. 120,32,89 lakhs as per proposed PCA Scheme;

d. The user agency shall get the wildlife mitigation plan prepared by any competent person /agency and the same should be approved by the Chief Wildlife Warden and implemented at the cost of the User Agency; e. The user agency has to deposit funds for erection of the Boundary Pillars throughout the entire length of Saidulandma RF so as to ease the further discrepancies if any.

f. User Agency has to erect a 4 ft height parapet wall on towards the Forest Boundary all along the length of the proposed diversion.

g. Trees standing within 8.02 ha shall not be felled.

h. In consultation with the DFO, Concerned, User Agency shall carryout plantation of long living and environmental tree species like Peepal (*Ficus religiosa*) Banyan (*Ficus benghalensis*), Tamarind (*Tamarindus indica*), Neem (*Azadirachta indica*) and Jamun (*Syzygium cumini*) etc in vacant area within the 8.02 ha.

i. The User Agency shall take prior approval of Government of India for any new non-forestry activity within 8.02 ha.

35. On the basis of the recommendation made by the Regional Empowered Committee evidenced by their recommendation dated 07.05.2021, Stage - I approval was granted by the Integrated Regional Office of MoEF&CC, Hyderabad. Since the instant matter was also related to regularization of encroached land, ex-post facto approval was accorded by the competent authority in the matter and subsequently, the Integrated Regional Office, Hyderabad vide their Lr. No.4-TSC-182/2021-HYD/116 dated 30.07.2021, conveyed the revised Stage-I (In principle approval) under Forest

(Clearance) Act, 1908 for diversion of 8.02 Ha. of Forest land in Saidulunama Reserve Forest of Suryapet District for establishment of part of railway siding and associated activities and other permanent structures in Suryapet district in favour of 8th Respondent for a period of 30 years, subject to certain conditions, evidenced by Annexure - A3. The MoEF&CC has requested the Tribunal to consider these aspects and pass appropriate orders.

36. The applicant filed objection to the Joint Committee report stating that the environmental compensation imposed is not correct. The area said to be encroached as 8.02 Ha. in reserve forest is also not correct. Further, even as per the earlier Forest Clearance (FC) granted, the extent was not handed over for afforestation and these aspects have not been considered by the authorities. The authorities were also not properly understood the decision of the Hon'ble Apex Court in *Common Cause* case.

37. Both the applicant as well as the 8th Respondent has filed their detailed written submissions as well.

38. Heard the applicant who appeared in person and the counsel appearing for the MoEF&CC as well as 8th Respondent and other regulators.

39. The applicant submitted that neither the Joint Committee nor MoEF&CC or Forest Department has considered the relevant facts regarding encroachment into forest area, no proper survey was conducted and they have also not considered the impact of conversion of forest land for non-forest purpose. Further, they have also not considered the area said to have been furnished by the project proponent is not in tune with the undertaking given by them in the earlier permission granted for conversion of reserve forest for non-forest purpose during 2007. The

extent of damage caused is also not properly considered. They have also not properly considered the extent of excess mining done by them.

40. The learned counsel appearing for the 8th Respondent/project proponent has filed detailed written submission, wherein they have categorically stated that the scope of the application has been enlarged by the applicant stage by stage. Originally the case of the applicant was that large scale pollution being caused on account of the operation of the 8th Respondent unit, as they have not provided necessary pollution control mechanism. But later at the time of hearing, the scope of the enquiry was enlarged stating that the 8th Respondent has committed the violation of Environmental Clearance (EC) conditions and encroached into the forest land and conducted excess mining. However, on the basis of the directions issued by this Tribunal, the Joint Committee has considered all those aspects and at the request of the project proponent for regularization, the State Government has recommended the proposal and the same has been considered and in principle approval has been granted.

41. As far as Darga is concerned though in the Form I Application, the distance was shown differently, but when the feasibility report and EIA Report was filed, the correct distance has been mentioned and only thereafter, the Environmental Clearance (EC) was granted. Further, the Janpahad Darga was not declared as a protected monument by the Archaeological Department. However, this fact was mentioned in the EIA Report and that was considered before granting the Environmental Clearance (EC) and as such, there is no suppression of fact.

42. As regards pollution is concerned, the Telangana State Pollution Control Board had imposed a penalty of Rs.28 Lakhs for deviation in pollution norms over certain period and the same has been paid by the 8th

Respondent, evidenced by Annexure - 1, Cheque issued by the 8th Respondent dated 11.11.2020. They have also undertaken to comply with the directions issued to arrest pollution.

43. As regards the development of greenbelt is concerned, there was a deficit in the 10 M wide peripheral greenery which the company has undertaken to fulfil in a phased manner and they have started the proposal as well in this regard.

44. As regards the encroachment is concerned, a joint inspection was conducted during February 2021 and it was found that 8.04 Ha. of forest land was found to be encroached and on that basis, they have already applied for regularization and the Stage - II approval was granted. They also remitted Rs.5,75,89,921 towards various compensatory levies and also paid an amount of Rs.1,20 Crore towards the cost of erection of boundary pillar throughout the entire length of Saidulunama Reserve Forest and they have been directed to identify the compensatory afforestation area and other mitigation plans and they have identified 22 Acres and also paid Rs.75 Lakhs for this purpose. On the basis of the scientific survey conducted, encroachment was identified as 8.02 Ha. only, instead of 31.63 Ha. earlier found by the Forest Divisional Officer.

45. None of the forest officials earlier complained of any encroachment into the reserve forest by them. If at all the applicant is aggrieved, they will have to challenge the clearance granted under the Forest (Conservation) Act, 1980 as it an appealable order.

46. We have considered the pleadings and submissions made by the counsel for the respondents and the applicant appeared in person and also written submissions submitted by both the parties.

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47. The points that arise for consideration are:-

- a) Whether any pollution has been caused on account of the operation of the 8th Respondent unit as alleged by the applicant?
- b) Whether the 8th Respondent had committed any violation of the conditions imposed under the Environmental Clearance (EC) as well as Consent to Operate and Forest Clearance (FC) granted?
- c) Whether the 8th Respondent has encroached into any forest land?
- d) What is the nature of directions (if any) to be issued by this Tribunal, apart from the steps taken by the Ministry of Environment, Forests & Climate Change (MoEF&CC) in this regard?

Points (a) to (d):-

48. The grievance in this application originally filed in the year 2016 was that on account of the operation of the 8th Respondent serious air pollution is being caused in that area and in spite of complaints were given, no action was taken. It was also mentioned in the application that there was suppression of material fact regarding the Janpahad Darga situated in that area and as such, the Environmental Clearance (EC) obtained was by suppressing material facts. Later, during the course of hearing, the applicant had developed further case of excess mining encroachment into the forest area and violation of the Environmental Clearance (EC) and Forest Clearance (FC) granted etc.

49. As far as the environmental issues are concerned, once the Tribunal had taken cognizance of the matter, merely because there is lack of pleading on

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certain aspects will not prevent the Tribunal from taking into account subsequent facts that have been brought to the notice of this Tribunal for consideration and issuing necessary directions in this regard.

50. This Tribunal while considering the nature of allegations made and further directions to be issued, on 18.12.2019, observed that the Tribunal has no power to cancel the mining leases granted and the applicant is also not entitled to challenge the Environmental Clearance (EC) granted, after lapse of so many years, as the Environmental Clearance (EC) was granted in the year 2013, as no appeal has been filed against the same and the same cannot be challenged through an indirect method, after the lapse of prescribed limitation period. But this Tribunal has restricted its enquiry regarding the non-compliance of the environmental norms and encroachment into the forest land and operation of the unit at its expanded capacity after complying with the EIA Notification, 2006.

51. In order to ascertain these aspects, Joint Committee was constituted and the Joint Committee has submitted its report which was considered by this Tribunal in the order dated 04.03.2020 which was extracted in Para 3 of the order and directed the committee to revisit the issues and ascertain the exact area of encroachment and also assess the environmental compensation and also provide remedial measures to meet the short comings found in the pollution control mechanism. Thereafter, this Tribunal had considered the further report submitted by the Joint Committee in the order dated 19.08.2020 in Para 5 of the order which was extracted in earlier paragraphs, as such we are not re-extracting the same again and environmental compensation was assessed at Rs.28,20,000/- applying the formula evolved by the Central Pollution Control Board in this regard.

52. It is seen from the written submissions submitted by the counsel for the 8th Respondent that this amount has been deposited by the 8th Respondent.

53. As regards the excess mining is concerned, the committee has found that there was only an encroachment of 8.02 Ha. which was found on the basis of the resurvey conducted. The committee also found that though there was some excess quantity than the approved mining plan, but they have paid the royalty for the same. But in fact, it was within the consented capacity granted and as such there was no necessity for further compensation. So, that question has been answered by them. This Tribunal had directed the Regional Office, MoEF&CC to reconsider the same and pass appropriate orders.

54. The Joint Committee has considered all the aspects in detail and came to the conclusion that except the extent of 8.02 Ha. of encroachment, there is no other encroachment as alleged. We are not in agreement with the Joint Committee report regarding the fact that though as per the mining plan there was excess mining, but as per the consented capacity granted by the State Pollution Control Board, there is no excess mining and as such, the recovery of the amount of royalty alone will be sufficient. Since it is an illegal mining conducted against the permitted quantity as per the mining plan and the mining permit granted, applying the *Common Cause Vs. Union of India* reported in (2017) 9 SCC 499, they ought to have collected the actual value of the excess mining done instead of collecting royalty and penalty. This ought to be one of the directions which this Tribunal feels to be issued while disposing the matter.

55. As regards the violation of Environmental Clearance (EC) condition is concerned, the MoEF&CC should have considered the fact that without exhausting Mining Lease No.2, they ought not have proceeded with

simultaneous mining in Mining Lease No.3, that will amount to illegal mining and the quantity has to be ascertained and for that also, the actual value of the mined articles should be collected as compensation for illegal mining of the conditions imposed. This also will have to be worked out by the Mining Department and this amount also will have to be collected from the 8th Respondent, apart from royalty and penalty. Since on the basis of the scientific survey conducted in the presence of Director, Survey of India, Revenue Officials and Forest Department and having found that 8.02 Ha. of excess forest land that has been encroached upon by the 8th Respondent for their purpose and in the absence of the further scientific evidence, except relying on the District Forest Officer's report, we do not find any reason to interfere with the same especially when even the Joint Committee has observed in the earlier report that the detailed survey will have to be conducted for the purpose of ascertaining the actual extent of encroachment into the reserve forest area and that has been done later and the excess area encroached upon by the 8th Respondent has been ascertained and we do not find any reason to interfere with the same.

56. Since there is a proposal made for regularization of the excess forest land encroached by the 8th Respondent and the same has been considered by the MoEF&CC through its Regional office and Stage - I approval has been granted under the Forest (Conservation) Act, 1980, on this aspect, the remedy of the applicant is to challenge the final approval granted under Section 2 of the Forest (Conservation) Act, 1980 in accordance with law as provided under the provision of National Green Tribunal Act, 2010 and that right of the applicant is left open.

57. So under such circumstances, we feel that the application can be disposed of with following directions:-

- a) The Mining Department is directed to ascertain the excess quantity of limestone mined over and above the permission granted under the Mining Plan and assess the value of excess mining done in tune with the directions issued by the Hon'ble Apex Court in *Common Cause Vs. Union of India (2017) 9 SCC 499* and recover the amount from the 8th Respondent, after following the due process in accordance with law.
- b) The Mining Department is also directed to ascertain the quantity of limestone mined simultaneously done in the Mine - 3 Plot while undergoing mining in Mine - 2 Plot against the Environmental Clearance (EC) and assess the value of the same, as this will amount to illegal mining as has been observed by the Hon'ble Apex Court in *Common Cause* case and recover the amount from the 8th Respondent after following due procedure in accordance with law.
- c) We do not find any reason to interfere with the findings of the Joint Committee that only 8.02 Ha. of forest land has been encroached upon by the 8th Respondent and steps have already been taken by the 8th Respondent and the Government for regularization of the same by applying the Forest (Conservation) Act, 1980.
- d) The right of the applicant to challenge the final Stage-2 approval granted under Section 2 of the Forest (Conservation) Act, 1980 before the appropriate forum in this regard is left open.

- 71
- e) The 8th Respondent is directed to comply with all the directions issued by the Telangana State Pollution Control Board for the purpose of maintaining the Ambient Air Quality and sound pollution to avoid complaint in this regard in future.
- f) The Telangana State Pollution Control Board is directed to periodically inspect the operation of the 8th Respondent unit and if there is any violation found, they are directed to take appropriate action against the 8th Respondent in accordance with law, including imposition of environmental compensation for the violation (if any) committed.
- g) We do not find any reason to direct the Forest Department to initiate the prosecution against the 8th Respondent especially when they have decided to regularize the encroachment by invoking the Forest (Conservation) Act, 1980. The question as to whether the conditions imposed for regularization including the afforestation etc. will be sufficient or not can be left open to be considered in the appeal to be filed by the applicant against the final Stage - 2 approval granted for this purpose under Section 2 of the Forest (Conservation) Act, 1980 as provided under Section 16 of the National Green Tribunal Act, 2010.
- h) The Mining Department is directed to periodically inspect the mining areas of the 8th Respondent unit so as to ascertain as to whether any excess mining is being done by the 8th Respondent and if it is found on inspection later, then they are directed to take appropriate action against the 8th Respondent in accordance with law.

58. The points are answered accordingly.

In the result, this application is disposed of as follows:-

(i) The Mining Department is directed to ascertain the excess quantity of limestone mined over and above the permission granted under the Mining Plan and assess the value of excess mining done in tune with the directions issued by the Hon'ble Apex Court in *Common Cause Vs. Union of India* (2017) 9 SCC 499 and recover the amount from the 8th Respondent, after following the due process in accordance with law.

(ii) The Mining Department is also directed to ascertain the quantity of limestone mined simultaneously done in the Mine - 3 Plot while undergoing mining in Mine - 2 Plot against the Environmental Clearance (EC) and assess the value of the same, as this will amount to illegal mining as has been observed by the Hon'ble Apex Court in *Common Cause* case and recover the amount from the 8th Respondent after following due procedure in accordance with law.

(iii) We do not find any reason to interfere with the findings of the Joint Committee that only 8.02 Ha of forest land has been encroached upon by the 8th Respondent and steps have already been taken by the 8th Respondent and the Government for regularization of the same by applying the Forest (Conservation) Act, 1980.

(iv) The right of the applicant to challenge the final Stage-2 approval granted under Section 2 of the Forest

(Conservation) Act, 1980 before the appropriate forum in this regard is left open.

(v) The 8th Respondent is directed to comply with all the directions issued by the Telangana State Pollution Control Board for the purpose of maintaining the Ambient Air Quality and sound pollution to avoid complaint in this regard in future.

(vi) The Telangana State Pollution Control Board is directed to periodically inspect the operation of the 8th Respondent unit and if there is any violation found, they are directed to take appropriate action against the 8th Respondent in accordance with law, including imposition of environmental compensation for the violation (if any) committed.

(vii) We do not find any reason to direct the Forest Department to initiate the prosecution against the 8th Respondent especially when they have decided to regularize the encroachment by invoking the Forest (Conservation) Act, 1980. The question as to whether the conditions imposed for regularization including the afforestation etc. will be sufficient or not can be left open to be considered in the appeal to be filed by the applicant against the final Stage - 2 approval granted for this purpose under Section 2 of the Forest (Conservation) Act, 1980 as provided under Section 16 of the National Green Tribunal Act, 2010.

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(viii) The Mining Department is directed to periodically inspect the mining areas of the 8th Respondent unit so as to ascertain as to whether any excess mining is being done by the 8th Respondent and if it is found on inspection later, then they are directed to take appropriate action against the 8th Respondent in accordance with law.

(ix) Considering the circumstances, parties directed to bear their respective costs in the application.

(x) The Registry is directed to communicate this order to the Telangana State Pollution Control Board, Director of Mines and Geology, Hyderabad, Integrated Regional Office, Ministry of Environment, Forests & Climate Change (MoEF&CC), Hyderabad and also to the Ministry of Environment, Forests & Climate Change (MoEF&CC), New Delhi for their information and compliance of the directions issued.

60. With the above observations and directions, this application is disposed of.

N G T

Sd/-

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

Sd/-

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

O.A. No.33/2016 (SZ),
18th November, 2021. Mn.

*True copy
by RK
Counsel for Appellant*

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[3241]

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**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT:

**THE HON'BLE THE CHIEF JUSTICE SRI SATISH CHANDRA SHARMA
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION NO: 32902 OF 2021

Between:

Vakkanti Koteswar Rao, S/o. Late Vakkanti Narayana, Aged 53 Years, Komatikunta Village,
Palakaveedu Mandal, Suryapeta District Telangana

...Petitioner

AND

1. Union of India, Rep by its Principal Secretary, Ministry of Environment, Forest and Climate Change, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
2. State of Telangana, Industries and Commerce Department, Represented by its Principal Secretary
3. The Ministry of Environment and Forests and Climate Change, F.C. Division, Represented by the Inspector General, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
4. The Ministry of Environment and Forests and Climate Change; I.A. Division, Inspector General Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
5. The Regional Officer, Ministry of Environmental, Forests and Climate Change, Regional Office, Aranya Bhavan, Opposite RBI, Saifabad, Hyderabad, Telangana - 500 004
6. The Director, Department of Mines and Geology, My Home Sarovar Plaza, H.No. 5-922, Flat No. 203 & 204, 2nd Floor, Shahpur Wadi, Adarsh Nagar, Hyderabad, Telangana - 500063
7. Special Secretary Environment, Forest, Science and Technology, Rep by its Secretary, Aranyabhavan, Hyderabad, Telangana State.
8. The Member Secretary, Telangana State Pollution Control Board, A-3, Paryavaran Bhavan, Sanath Nagar Road, Sanath Nagar Industrial Estate, Sanath Nagar, Hyderabad, Telangana- 500 018
9. The Environmental Engineer, Telangana State Pollution Control Board, Regional Office, H.No. 6-2-888/B, 2nd Floor, Laxmi Complex, Near Clock Tower, Nalgonda- 508 001
10. The Department of Forest, Rep by its Principal Secretary, Head of Forest, State of Telangana, Dammipeta, Telangana 507306
11. The Principal Chief Conservative officer (HOFF), Aranya Bhavan, Hyderabad, Telangana
12. The District Forest Officer, Suryapeta District, Telangana.
13. The District Collector, Suryapeta District, Telangana.
14. M/s. Deccan Cement limited, Rep by its Chairman, Deccan Chambers, Opp: Nim's Hospital, H.No.6-3-666/B, Somajiguda, Hyderabad- 500 082

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 in the nature of writ of Certiorari (Mandamus A) calling for the records pertaining to the illegal mining activity of Respondent No.14 being permitted by the Respondent No.1 to 13 in Compartment No.27 of Saidulnama Reserve Forest, Mahankaligudem Village over an extent of 73.93 Hectors (ML-2) and the illegal mining of the Respondent No.14 being permitted by the Respondent No.1 to 13 in Compartment No. 26 & 27 of Saidulnama Reserved Forest, Ravipahad Village, Palakeedu Mandal, Suryapeta District (MI-3) over an extent of 183.11 Hectors and quash the permissions allotted to the Respondent No.14 as the same are illegal, arbitrary, highhanded and in violation of various mandatory conditions of the Environmental and Forest Clearances issued to the Respondent No.14, in violation provisions of Environment impact assessment (EIA)

notification SO No. 1533 (E)dt.14-09-2006, in Violation of statutory compliance notified vide Office Memorandum F.No.22-34/2018-IA.III dt.08-01-2019 by the Ministry of Environment, in violation of Various provisions of the MMDR Act,1957, in violation of provisions of Forest Conservation Act,1980 and Environmental Protection Act,1984, in violation of the rights guaranteed to the Petitioner under the Constitution of India. B)Calling for records pertaining to the proposal of enhancement of the Bhavanipuram Limestone Mine-3 for Increase of limestone Production From 2.3 to 4.7368 Million tons per Annum and expansion of Cement Plant from 1.8 MTPA to 4.0 MTPA by installation of new unit near existing cement plant complex located in Sy.Nos.1 to 6, 6A,5/AA,6E ,612, 6/3,6/4,6/5,6/6,6/7,6/8,6/8, 6EE, 7/AA,8 to 10 and 31 Mahankaligudam Village, Palkeedu Mandal, Suryapet District vide Public Notices both dt.5/11/2021 and quash the said proceedings as the same are illegal,arbitrary,highhanded in violation provisions of Environment impact assessment (EIA) notification SO No. 1533 (E)dt.14-09-2006, in Violation of statutory compliance notified vide Office Memorandum F.No.22-34/2018-IA.III dt:08/01/2019 by the Ministry of Environment, in violation of Various provisions of the MMDR Act,1957, in violation of provisions of Forest Conservation Act,1980 and Environmental Protection Act,1984, in violation of the rights guaranteed to the Petitioner under the Constitution of India. C)Direct the 1st respondent to Stop the illegal mining and enhancement activities that had been carried out by the Respondent No.14 at Bhavanipuram Limestone Mine-ML- 3 to an extent of 183.11 Hectares situated in Compartment No.26 and 27, Saidulnama Reserved Forest, Ravipahad Village, Palakeedu Mandal, Suryapeta District.

IA NO: 1 OF 2021

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 direct the Respondent No.1 to 14 to stop illegal mining activities of Respondent No.14 in Bhavanipuram Limestone Mine - ML- 3 which is situated over an extent of 183.11 Hectares situated in Compartment No.26 & 27, Saidulnama Reserved Forest, Ravipahad Village, Palakeedu Mandal, Suryapeta District forthwith pending disposal of the present WP.No.32902 of 2021, on the file of the High Court.

Counsel for the Petitioner : SRI.V.MURALI MANOHAR

Counsel for the Respondent Nos.1,3 4&5 : Sri.Namavarapu Rajeshwar Rao, Asst. Sol.General

Counsel for the Respondent Nos.5,7, 10 to 12 : GP for Forest

Counsel for the Respondent Nos.8&9 : Sri.P. Shiv Kumar, SC

Counsel for the Respondent No.13: GP for Revenue

Counsel for the Respondent No.2 :GP for Mines & Geology

The Court made the following.

ORDER

Learned counsel for the petitioner has vehemently argued before this Court that in spite of there being an order passed by the National Green Tribunal (NGT), the respondent No.14 is carrying out illegal mining in respect of mining lease No.3 situated in Compartment Nos.26 and 27.

Paragraph No.55 of the order passed by the NGT reads as under:-

“As regards the violation of Environmental Clearance (EC) condition is concerned, the MoEF&CC should have considered the fact that without exhausting Mining Lease No.2, they ought not have proceeded with simultaneous mining in Mining Lease No.3, that will amount to illegal mining and the quantity has to be ascertained and for that also, the actual value of the mined articles should be collected as compensation for illegal mining of the conditions imposed. This also will have to be worked out by the Mining Department and this amount also will have to be collected from the 8th Respondent, apart from royalty and penalty. Since on the basis of the

scientific survey conducted in the presence of the Director, Survey of India, Revenue Officials and Forest Department and having found that 8.02 Ha. of excess forest land that has been encroached upon by the 8th Respondent for their purpose and in the absence of the further scientific evidence, except relying on the District Forest Officer's report, we do not find any reason to interfere with the same, especially when even the Joint Committee has observed in the earlier report that the detailed survey will have to be conducted for the purpose of ascertaining the actual extent of encroachment into the reserve forest area and that has been done later and the excess area encroached upon by the 8th Respondent has been ascertained and we do not find any reason to interfere with the same."

The aforesaid order makes it very clear that the NGT after hearing the parties at length has arrived at a conclusion that illegal mining is going on in respect of mining lease No.3 and even the forest land to the extent of 8.02 hectares has been encroached upon by the respondent No.14. The undisputed facts also reveal that there is no appeal preferred against the order of the NGT.

A categorical question was asked to learned counsel for the respondent No.14 regarding environmental clearance in respect of mining lease No.3 and she has drawn the attention of this Court towards the order dated 05.01.2017 passed by the Ministry of Environment, Forest and Climate Change. The order was passed in the year 2017, whereas the order of the NGT is dated 18.11.2021. Meaning thereby, the NGT has later on passed a detailed and an exhaustive order in respect of mining lease No.3.

Carrying out mining activity without environment clearance certificate is impermissible in law.

Resultantly, till the next date of hearing, the respondent No.14 is restrained from carrying out any mining activity in respect of mining lease No.3. However, it shall be open to the respondent No.14 to file an appropriate application before this Court in case they complete all formalities for proceeding ahead with the mining activities.

List on 27.04.2022.

//TRUE COPY//

SD/- N. CHANDRASEKHARARAO
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Ministry of Environment, Forest and Climate Change, Union of India, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
2. The Principal Secretary, Industries and Commerce Department, State of Telangana,
3. The Inspector General, Ministry of Environment and Forests and Climate Change, F.C. Division, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
4. The Ministry of Environment and Forests and Climate Change, I.A. Division, Inspector General Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
5. The Regional Officer, Ministry of Environmental, Forests and Climate Change, Regional Office, Aranya Bhavan, Opposite RBI, Saifabad, Hyderabad, Telangana - 500 004

6. The Director, Department of Mines and Geology, My Home Sarovar Plaza, H.No. 5-922, Flat No. 203 & 204, 2nd Floor, Shahpur Wadi, Adarsh Nagar, Hyderabad, Telangana- 500063
7. The Secretary, Special Secretary Environment, Forest, Science and Technology, Aranyabhavan, Hyderabad, Telangana State.
8. The Member Secretary, Telangana State Pollution Control Board, A-3, Paryavaran Bhavan, Sanath Nagar Road, Sanath Nagar Industrial Estate, Sanath Nagar, Hyderabad, Telangana- 500 018
9. The Environmental Engineer, Telangana State Pollution Control Board, Regional Office, H.No. 6-2-888/B, 2nd Floor, Laxmi Complex, Near Clock Tower, Nalgonda- 508 001
10. The Principal Secretary, Department of Forest, Head of Forest, State of Telangana, Dammapeta, Telangana 507306
11. The Principal Chief Conservative officer (HOFF), Aranya Bhavan, Hyderabad, Telangana
12. The District Forest Officer, Suryapeta District, Telangana.
13. The District Collector, Suryapeta District, Telangana
14. M/s. Deccan Cement limited, Rep by its Chairman, Deccan Chambers, Opp: Nim's Hospital, H.No. 6-3-666/B, Somajiguda, Hyderabad- 500 082. (RR-1 to 14 by RPAD)
15. Two CCs to the GP for Forest, High Court at Hyderabad (OUT)
16. Two CCs to the GP for Revenue, High Court at Hyderabad (OUT)
17. Two CCs to the GP for Mines & Geology, High Court at Hyderabad (OUT)
18. One CC to SRI V MURALI MANOHAR Advocate [OPUC]
19. One spare copy

HIGH COURT

HCJ & AKS:J

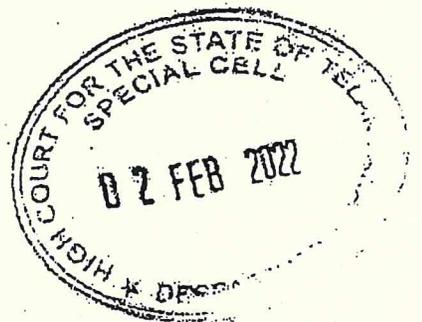
DATED: 02.02.2022

NOTE: LIST ON 27.04.2022

WP.NO.32902 OF 2021

DIRECTION

*True copy
of PR
Conceded for Appellant*



[3241]

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IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE THIRTIETH DAY OF MARCH TWO THOUSAND AND
TWENTY TWO

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 32902 OF 2021

Between:

Vakkanti Koteswar Rao, S/o. Late Vakkanti Narayana, Aged 53 Years, Komatikunta Village, Palakaveedu Mandal, Suryapeta District Telangana

...Petitioner

AND

1. Union of India, Rep by its Principal Secretary, Ministry of Environment, Forest and Climate Change, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
2. State of Telangana, Industries and Commerce Department, Represented by its Principal Secretary
3. The Ministry of Environment and Forests and Climate Change, F.C. Division, Represented by the Inspector General, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
4. The Ministry of Environment and Forests and Climate Change, I.A. Division, Inspector General Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003
5. The Regional Officer, Ministry of Environmental, Forests and Climate Change, Regional Office, Aranya Bhavan, Opposite RBI, Saifabad, Hyderabad, Telangana - 500 004
6. The Director, Department of Mines and Geology, My Home Sarovar Plaza, H.No. 5-922, Flat No. 203 & 204, 2nd Floor, Shahpurwadi, Adarsh Nagar, Hyderabad, Telangana - 500063
7. Special Secretary Environment, Forest, Science and Technology, Rep by its Secretary, Aranyabhavan, Hyderabad, Telangana State.
8. The Member Secretary, Telangana State Pollution Control Board, A-3, Paryavaran Bhavan, Sanath Nagar Road, Sanath Nagar Industrial Estate, Sanath Nagar, Hyderabad, Telangana- 500 018
9. The Environmental Engineer, Telangana State Pollution Control Board, Regional Office, H.No. 6-2-888/B, 2nd Floor, Laxmi Complex, Near Clock Tower, Nalgonda- 508 001
10. The Department of Forest, Rep by its Principal Secretary, Head of Forest, State of Telangana, Dammapeta, Telangana 507306
11. The Principal Chief Conservative officer (HOFF), Aranya Bhavan, Hyderabad, Telangana
12. The District Forest Officer, Suryapeta District, Telangana.
13. The District Collector, Suryapeta District, Telangana
14. M/s. Deccan Cement limited, Rep by its Chairman, Deccan Chambers, Opp: Nim's Hospital, H.No.6-3-666/B, Somajiguda, Hyderabad- 500 082

Respondents

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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 in the nature of writ of Certiorarified Mandamus A)calling for the records pertaining to the illegal mining activity of Respondent No.14 being permitted by the Respondent No.1 to 13 in Compartment No.27 of Saidulnama Reserve Forest, Mahankaligudem Village over an extent of 73.93 Hectors (ML-2) and the illegal mining of the Respondent No.14 being permitted by the Respondent No.1 to 13 in Compartment No. 26& 27 of Saidulnama Reserved Forest, Ravipahad Village, Palakeedu Mandal, Suryapeta District (M1-3) over an extent of 183.11 Hectors and quash the permissions allotted to the Respondent No.14 as the same are illegal, arbitrary, highhanded and in violation of various mandatory conditions of the Environmental and Forest Clearances issued to the Respondent No.14, in violation provisions of Environment impact assessment (EIA) notification SO No. 1533 (E)dt.14-09-2006, in Violation of statutory compliance notified vide Office Memorandum F.No.22-34/2018-IA.III dt.08-01-2019 by the Ministry of Environment, in violation of Various provisions of the MMDR Act,1957, in violation of provisions of Forest Conservation Act,1980 and Environmental Protection Act,1984, in violation of the rights guaranteed to the Petitioner under the Constitution of India. B)Calling for records pertaining to the proposal of enhancement of the Bhavanipuram Limestone Mine-3 for Increase of limestone Production From 2.3 to 4.7368 Million tons per Annum and expansion of Cement Plant from 1.8 MTPA to 4.0 MTPA by installation of new unit near existing cement plant complex located in Sy.Nos.1 to 6, 6A,6/AA,6E ,6I2, 6/3,6/4,6/5,6/6,6/7,6/8,6/8, 6EE, 7/AA,8 to 10 and 31 Mahankaligudam Village, Palakeedu Mandal, Suryapeta District vide Public Notices both dt.5/11/2021 and quash the said proceedings as the same are illegal,arbitrary,highhanded in violation provisions of Environment impact assessment (EIA) notification SO No. 1533 (E)dt.14-09-2006, in Violation of statutory compliance notified vide Office Memorandum F.No.22-34/2018-IA.III dt.08/01/2019 by the Ministry of Environment, in violation of Various provisions of the MMDR Act,1957, in violation of provisions of Forest Conservation Act,1980 and Environmental Protection Act,1984, in violation of the rights guaranteed to the Petitioner under the Constitution of India C)Direct the 1st respondent to Stop the illegal mining and enhancement activities that had been carried out by the Respondent No.14 at Bhavanipuram Limestone Mine-ML- 3 to an extent of 183.11 Hectares situated in Compartment No.26 and 27, Saidulnama Reserved Forest, Ravipahad Village, Palakeedu Mandal, Suryapeta District.;

IA NO: 1 OF 2021

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 direct the Respondent No.1 to 14 to stop illegal mining activities of Respondent No.14 in Bhavanipuram Limestone Mine - ML- 3 which is situated over an extent of 183.11 Hectares situated in Compartment No.26 & 27, Saidulnama Reserved Forest, Ravipahad Village, Palakeedu Mandal, Suryapeta District forthwith pending disposal of the present WP.No.32902 of 2021, on the file of the High Court.

The petition coming on for hearing upon perusing the petition and affidavit filed therein and order of the High Court dated 02.02.2022 & 09.03.2022 made herein and upon hearing the arguments of Sri V. Murali Manohar, Advocate for the petitioner and of Sri Namavarapu Rajeshwar Rao, Advocate for the respondent No. 1, 3, 4 & 5, and GP for Mines and Geology for the respondent No. 2 and of GP for

Forest for the respondent Nos. 5, 7, 10 to 12 and Sri P. Shiv Kumar, Advocate for the respondent No. 8 & 9 and GP for Revenue for the respondent No. 13, the Court made the following:

ORDER:

This Court by an order dated 17.03.2022, has directed the Union of India to inform this Court whether in respect of third mine, Environment Clearance Certificate has been granted or not.

An affidavit dated 28.03.2022 has been filed by the Union of India and the same is reproduced as under:-

"I, Dr.E.Arockia Lenin, currently working as Scientist C in the Integrated Regional Office, Ministry of Environment, Forest and Climate Change (MoEF&CC), Hyderabad, do hereby solemnly affirm and state as under:-

1. It is respectfully submitted that I am the deponent herein/Respondent No.5 and as such, I am conversant with the facts and circumstances of the case on the basis of official records, I am filing this counter affidavit on behalf of the Respondent No.1,3,4 and 5 duly approved by R1, and as such authorized to swear this affidavit.
2. It is submitted that at the very outset that the answering Respondent denies each averment and/or submission made in the application which is contrary to and inconsistent with the averments made and facts stated in the present petition. It is submitted that nothing stated in the Petition may be deemed to have been admitted by the Respondent No.1 unless and until the same is expressly admitted in the present reply.
3. It is humbly submitted that the above-mentioned matter came up for hearing before this Hon'ble Court on 17.03.2022 and the Hon'ble Court directed the answering Respondent to file an additional affidavit. The case proceedings is reproduced as below-

"An affidavit has been filed on 15.03.2022 by the Union of India and the dispute in the present cases revolves around a very narrow compass. This Court vide order dated 16.02.2022 has directed the Union of India to file an affidavit stating categorically whether the respondent No. 14 in W.P.No.32902 of 2021 has been granted the Environmental Clearance Certificate or not in respect of the third mine. The said statement is missing in the affidavit. Resultantly a weeks time is granted to file a fresh affidavit stating categorically whether in respect of the third mine the Environment Clearance Certificate has been granted or not. List on 30.03.2022".

4. It is humbly submitted that the Respondent no. 14 (M/s Deccan Cement Ltd.) had obtained initial Environmental Clearance for ML-3 on 18.10.2007 vide file no. J-11015/642/2007-IA-II(M) for production capacity of 0.3MTPA. The EC issued to the Respondent no 14 is

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valid as per the EIA Notification, 2006. There was a specific term and condition stipulated in the EC for ML-3 Clause (iii) stated that-
"Mining activity at ML-3 (ML area of 183.11 ha) at Village Raviphad shall begin only after the Bhavanipuram Lime Stone Mine -2 (ML area of 73.93 ha) located at Village Mahankalugudem, adjacent to this mine has exhausted its minable ore".

5. It is humbly submitted that the proposal for enhancement of ML-3 from 0.3 MTPA to 2.3 MTPA of limestone was appraised before the Expert Appraisal Committee during the Eleventh meeting held during October 24-25, 2016. The Committee after detailed deliberation recommended for grant of Environmental Clearance for enhancement.
6. It is submitted that the proposal was for the enhanced production capacity due to exhaust of reserves at Bhavanipuram lime stone mine-2. Therefore, Respondent no. 14 was granted the Environmental Clearance (EC) vide letter no. J-11015/375/2015-IA. II(M) dated 05.01.2017 by the Answering Respondent.
7. It is further submitted that, the specific condition A (iii) mentioned in Environmental Clearance vide letter no. J-11015/642/2007-IA. II(M) dated 18.10.2007 was removed while granting subsequent Environmental Clearance vide letter No. J-11015/375/2015-IA. II (M) dated 05.01.2017 for 2.3 MTPA. The enhanced EC is valid as per EIA, 2006 notification.

It is therefore prayed that this Hon'ble Court may be pleased to dismiss the writ petition and pass appropriate order or orders in the interest of justice and pass any such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Sri Namayarapu Rajeswara Rao, learned Assistant Solicitor General of India, has categorically stated before this Court that in respect of third mine, Environment Clearance Certificate has been granted and it is in force.

In the light of the categorical statement in the affidavit filed by the Union of India as well as by the learned counsel for Union of India, the interim order granted by this Court is hereby vacated.

List the matters "for final hearing" in due course.

SD/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

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To

1. Two CCs to the GP for Forest, High Court at Hyderabad (OUT)
 2. Two CCs to the GP for Revenue, High Court at Hyderabad (OUT)
 3. Two CCs to the GP for Mines & Geology, High Court at Hyderabad (OUT)
 4. One CC to SRI. V MURALI MANOHAR Advocate [OPUC]
 5. One spare copy
- ✓
-

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HIGH COURT

HCJ & AKS.J

DATED: 30.03.2022

LIST THE MATTERS "FOR FINAL HEARING"
IN DUE COURSE

ORDER

WP.NO.32902 OF 2021

VACATED



True copy
by 
Counsel for Appellant

ITEM NO.23

COURT NO.1

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.7248/2022

(Arising out of impugned final judgment and order dated 30-03-2022 in WP No.32902/2021 passed by the High Court For The State Of Telangana At Hyderabad).

VAKKANTI KOTESWAR RAO

065500

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R.; and, IA No.59181/2022 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 26-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE J.B. PARDIWALA

Certified to be true Copy
Assistant Registrar (Judl.)
.....2020
Supreme Court of India

For Petitioner(s) Mr. S. Nagamuthu, Sr. Adv.
Mr. V. Sridhar Reddy, Adv.
Mr. Shamsheer Singh, Adv.
Ms. Kuheli Mitra, Adv.
Mr. P.R. Mandal, Adv.
Mr. Abhijit Sengupta, AOR

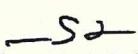
For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

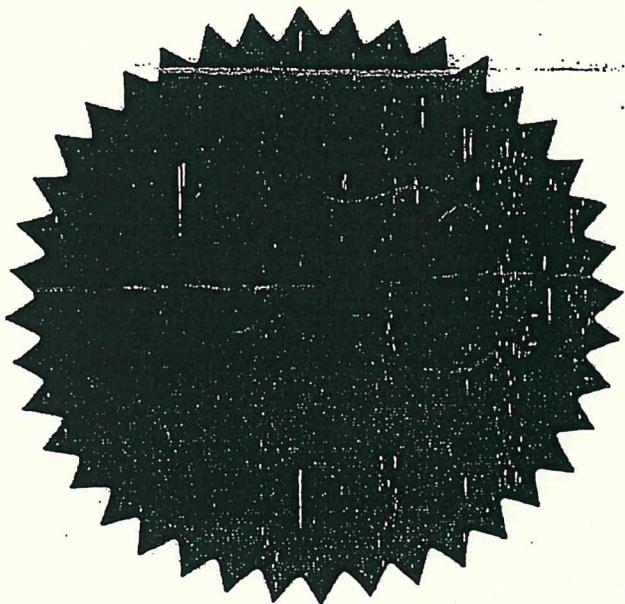
Since the present petition arises out of an interim order, we see no reason to interfere in the matter. The Special Leave Petition is, accordingly, dismissed.

Pending applications, if any, also stand disposed of.

Signature valid
Digitally signed by
MUKESH NASA
Date: 2022.09.27
18:02:29 +05'30'
Reason:


(MUKESH NASA)
AR-cum-PS


(MATHEW ABRAHAM)
BRANCH OFFICER



AT-NO. 15221

Legal Fee: Rs. 100/-

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(d) the amount of the stamp is received by the applicant or sent to the applicant.

Krishnam Kir.
Branch Officer 29-9-22
Supreme Court of India

SEALED IN MY PRESENCE

Item No.3:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

88

Thursday, the 19th day of January 2023.

Appeal No.44 of 2022 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Pasupuleti Suresh Babu
M/34/S/o. Shivaramakrishna,
D.No.4-139, Vajinepalli Village,
Chintalapalem Mandal,
Suryapet District,
Telangana State - 508 246.

Appellant(s)

Versus

- 1) **Union of India**
Represented by its Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan,
Vayu Wing, 3rd Floor, Jor Bagh Road,
Aliganj, New Delhi - 110 003.
- 2) **The Chairman**
Expert Appraisal Committee
Industry - I Sector,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan,
Vayu Wing, 3rd Floor, Jor Bagh Road,
Aliganj, New Delhi - 110 003.
- 3) **The Secretary to Government**
Department of Environment, Forests, Science & Technology,
Government of Telangana,
Hyderabad - 502 375.
- 4) **The Principal Chief Conservator of Forests,**
Telangana (Head of the Forests)
Arnya Bhavan, Saifabad,
Hyderabad - 500 004.

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5) The District Collector
Suryapet District,
Telangana - 508 213.

6) M/s. Deccan Cements Limited
Represented by its Chairman/Managing Director
6-3-666/B, Somajiguda,
Telangana, Hyderabad - 500 082.

...Respondent(s)

For Appellant (s): M/s. R. Jayaprakash, R.S. Maitreya & R. Sakthivel.

For Respondent(s): Mr. R. Thirunavukarasu for R1 to R3.
M/s. P.J. Rishikesh, P.J. Sri Ganesh &
Ami Kataria for R6.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

1. After hearing both counsels, the learned counsel appearing for the appellant desired to withdraw this appeal with liberty to challenge the Stage - II Approval by the Forest Department as and when it is granted.
2. To be noted is that earlier when the Original Application No.33 of 2016 (SZ) [Vakkanti Koteswar Rao Vs. Union of India, Ministry of Environment, Forests & Climate Change, New Delhi and Ors.] was disposed of by this Tribunal on 18.11.2021, liberty was given to the applicant therein to challenge the final Stage - II Approval granted under Section 2 of the Forest (Conservation) Act, 1980 before the appropriate forum.
3. The similar liberty is granted to the appellant herein also to challenge the Stage - II Approval as and when it is granted.

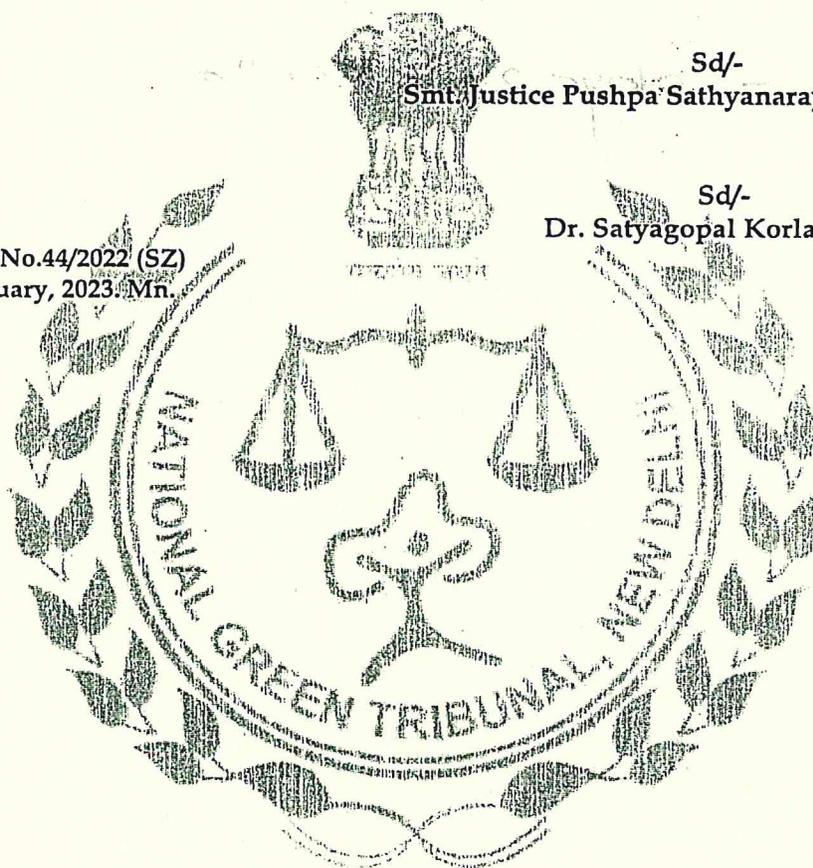
4. With the above said liberty, the appellant is permitted to withdraw this appeal
5. Hence, the appeal [Appeal No.44 of 2022 (SZ)] is dismissed as withdrawn, based on the endorsement made by the learned counsel for the appellant.

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Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

Appeal No.44/2022 (SZ)
19th January, 2023 Mn.



NGT

DGL:M:KPR: 1505 :00.

June 5, 2000.

To
The Controller General,
Indian Bureau of Mines,
H A G P U R - 440 001.

91

Dear sir,

Sub:- Intimation regarding the abandonment notice of
the Mine under Rule 23(2), 23(5) and 24 of
M.C.D.R., 1988 - Reg.

We are enclosing herewith a Notice in Form-D under
Rule 23(2), 23(5) and 24 of M.C.D.R., 1988 in conne-
ction with abandonment of Bhavanipuram Limestone Mine.
This is for your kind information.

Thanking you,

Yours faithfully,
for DECCAN CEMENTS LIMITED.


(K.P. RAO)
MINES AGENT/G.M. (A&M)

M.K.
Encl. 1) Notice in Form-D,
2) Mine Plan & Sections.

Copy to
The V.P (as) for your information.

secy

.....

FORM - D

(Notice of intention of abandonment of mine or part of the mine/
temporary discontinuance of mine)

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(See rule 23(2), 23(5) and 24)

To

- 1) The Controller General, I.B.M., Nagpur-440 001,
- 2) The Controller of Mines, I.B.M., Bangalore,
- 3) The Regional Controller of Mines, I.B.M., Hyderabad.
- 4) State Government concerned.

Sir,

- 01) i) Name of the mineral worked : Limestone.
ii) Name(s) of other minerals if any for which lease has been granted : Not applicable.
- 02) Name of the mine : Bhavanipuram Limestone Mine
- 03) Name & address of the Lessee/Owner : M/s.Deccan Cements Ltd.,
Post Box No.1, MIRYALAGUDA,
Nalgonda Dist. 508 207
Andhra Pradesh.
- 04) Particulars of Mining Lease (ML):-
i) Date of execution : 26.02.1998.
ii) Period: 10 years, from 06.08.1990 to 05.08.2000.
iii) Area under lease: 12.55 hectares.
- 05) Location of the Mine:-
a) Village : Mahankaligudem.
b) Post Office : Janpahad.
c) District : Nalgonda.
d) State : Andhra Pradesh.
- 06) Name and address of Agent : Sri K.P.Rao,
M/s.Deccan Cements Ltd.,
Post Box No.1, MIRYALAGUDA,
Nalgonda Dist. 508 207(AP)
- 07) Name and address of Mining Engineer : Sri M.Veeraiyah,
M/s.Deccan Cements Ltd.,
Post Box No.1, MIRYALAGUDA,
Nalgonda Dist. 508 207(AP)
- 08) Date of abandonment/temporary discontinuance : 05.08.2000
- 09) Reasons for abandonment/temporary discontinuance : Lease period expiring on 05.08.2000.

Contd.....2

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10) Probable date of re-opening of the mine discontinued : ---

11) Reserve of mineral(s) in Mining Lease area (in tonne) (Date to be furnished in case of abandonment of mine)

i) Proved : 9,10,000 M.T.
 ii) Probable : ---
 iii) Possible : ---

12) Number of workers employed in the mine (Date to be furnished in case of intention of abandonment of mine)

	<u>Male</u>	<u>Female</u>
a) Company labour (direct)	27	---
b) Contract labour	--	---
Total	27	---

Place : Bhavanipuram.

Date : 05.06.2000

Signature : 

Name in full : K.P. RAO

Designation : Mines Agent



DCL:ADMN:DFO: 4408 :2000
August 5, 2000.

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The Divisional Forest Officer,
NALGONDA

Dear Sir,

Sub:- Termination of Mining Operations in Compartment
No.27 & 28 of Saidulunama Reserve Block over
an extent of Ac.55-71 (22.5 Ha) - Reg.

Ref:- 1. GO MS No.298 dt.2.11.1991
2. PCCF'S rEF.nO.70749/87 dt.8.11.91
3. Agreement dt.13.7.1993.

We have entered into an agreement with Forest department on 13.7.1993 for the purpose of Mining Operation over an extent of 55.71 acres in Saidulunama Reserve Forest Compartment No.27 & 28 for a period of 10 years w.e.f.6.8.90. As per the agreement, we have to terminate the mining operations by 5.8.2000. Accordingly we have terminated the mining operations in the above said compartment. This is for your information please.

Thanking you,

Yours faithfully,
For DECCAN CEMENTS LIMITED,

VICE PRESIDENT (WORKS).

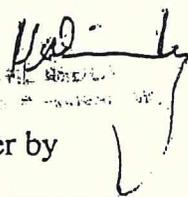
CC : Forest Range Officer, Miryalaguda - for favour of information.

CHARGE CERTIFICATE

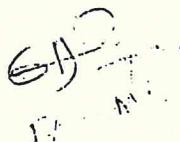
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1. An extent of Ac.55.71 (22.55 Ha) of Forest land in Compartment no.27 of Saidulunama Reserve Forest under Miryalaguda Range, Nalgonda District leased out to M/s.Deccan Cements Limited, Bhavanipuram, Nereducherla Mandal, Nalgonda District for Mining Lease as per G.O.Ms.no.298 of 2.11.1991 issued by EFES & T (For-1)Dept. Govt.of A.P. and entered into an agreement on 13.07.1993 with the D.F.O., Nalgonda. The Mining Lease was expired by 5.8.2000 as per the above G.O. and agreement.
2. As per the letter no.DCL:ADMN:DFO:4408:2000, dt.5.8.2000, the measured area of Ac.55.71 (22.55 Ha) in Compartment No.27 of Saidulunama R.F.Mining lease area is handed over to Sri G.Harikumar, Forest Range Officer, Miryalaguda by Sri P.J.Reddy, Vice President (Works) of M/s.Deccan Cements Limited, Bhavanipuram, "AS IT IS" condition on 23.12.2000.

Handed over by



Taken over by



Witnesses

1. 
J. KOTESHWARA RAO

2.



ML 1 Plantation



ML 1 Plantation

Plantation raised on the backfilled area over an extent of 6.5 Ha in ML-1



ML 1 Waterbody



ML 1 Waterbody

Water body over an extent of 8.5 Ha in ML-1

Initiation of Reclamation in existing mine ML 2 (73.93 Ha)

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The following measures are initiated and are in progress

1. Plantation in the safety zone and undisturbed area

The following are the details of the plantation work taken up year wise.

Year	Area Ha	No. of Plants
2000-01	0.3	650
2001-02	0.3	650
2002-03	0.3	650
2003-04	0.3	650
2004-05	0.3	650
2005-06	0.4	850
2006-07	0.4	850
2007-08	0.4	900
2008-09	0.4	900
2009-10	0.4	900
2010-11	0.92	2600
2011-12	0.72	2000
2012-13	0.45	1500
2013-14	0.6	2020
2014-15	0.45	1430
2015-16	0.15	300
2016-17	0.15	300
2017-18	0.15	300
2018-19	0.15	300
2019-20	0.2	300
2020-21	0.17	415
2021-22	0.17	415
2022-23	0.17	446
Total	7.95	19,976



ML 2 North Side Safety Zone Plantation



ML 2 East Side Safety Zone Plantation



ML 2 South Side Safety Zone Plantation



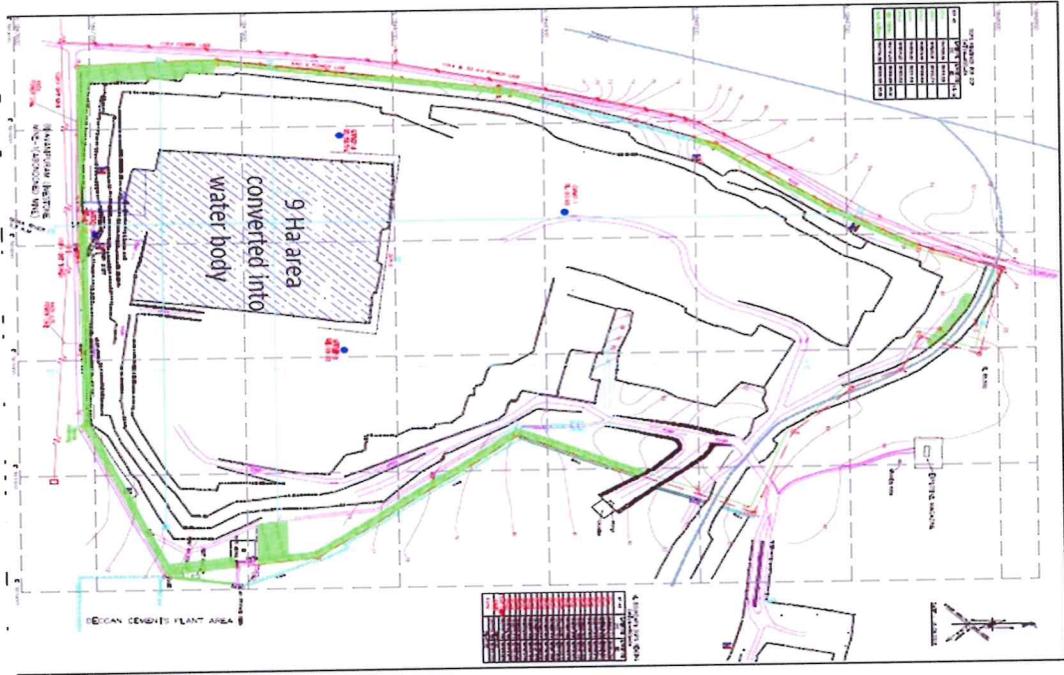
ML 2 West Side Safety Zone Plantation



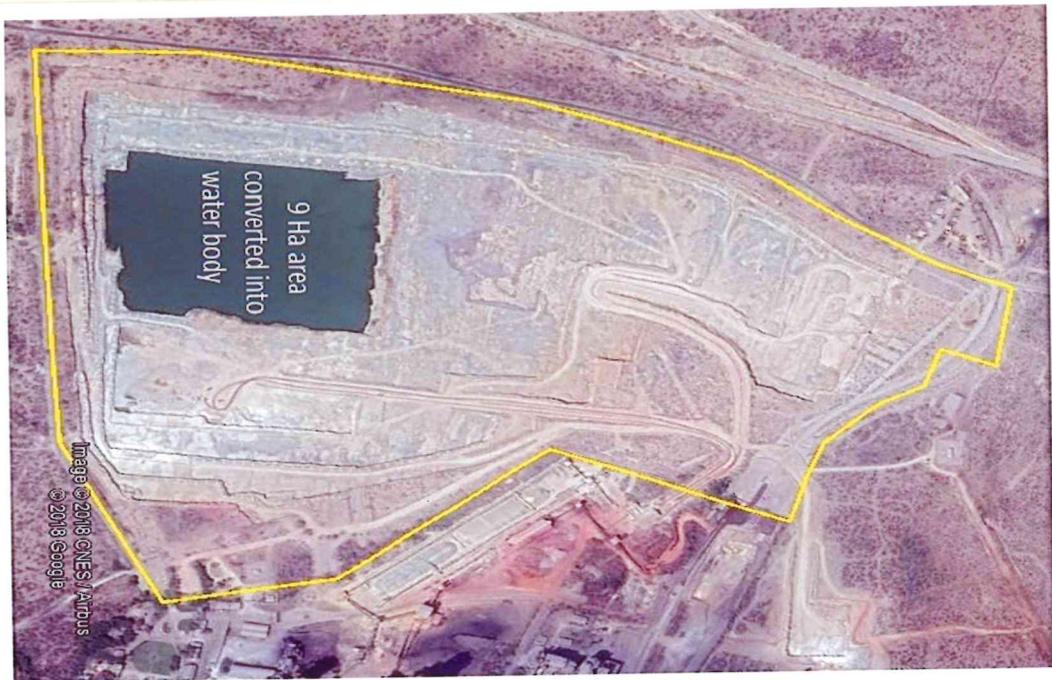
ML 2 Drip Water System for Safety Zone Plantation



Stone wall and chain link fencing to protect the safety zone plantation



ML 2 Surface Plan showing water Body



ML 2 Google Image



ML 2 Waterbody

Mined out area to an extent of 9.19 Ha is converted into water Body.



ISO 9001, 14001 & 45001
CERTIFIED COMPANY

LAWN ENVIRO ASSOCIATES

[Engineers & Consultants in Pollution Control]

Recognised by Ministry of Environment Forest & Climate Change (MoEF & CC), GOI, New Delhi
& Laboratory Accredited by NABL

TEST REPORT

REF.NO: LAWN/DECCAN-M/2023

Date: 23-12-2023

WATER ANALYSIS

Name of the Industry & : **M/s. DECCAN CEMENTS LTD.,**
Address **BHAVANIPURAM LIMESTONE MINE-2,**
Mahankaligudem (V), Palakeedu (M),
Suryapet (Dist).

Sample Particulars : **ML – 2 Pit Water**
Date of Collection : **15-12-2023**
Date of Analysis : **16-12-2023**
PROTOCOL : **A. P. H. A. 23rd Edition**

1. pH	:	7.66
2. Turbidity (NTU)	:	2.20
3. E.C (micromhos/cm)	:	1,024
4. Total dissolved solids	:	570
5. Total suspended solids	:	76
6. Total hardness as CaCO ₃	:	52
7. Calcium as Ca	:	13.39
8. Magnesium as Mg	:	3.86
9. Sodium as Na	:	209
10. Potassium as K	:	6.61
11. Chlorides as Cl	:	95.56
12. Sulphates as SO ₄	:	157.18
13. Nitrates as NO ₃	:	28.39
14. Bicarbonates as HCO ₃	:	180
15. Carbonates as CO ₃	:	Nil
16. Iron as Fe	:	0.27
17. Flourides as F	:	0.95
18. Chemical Oxygen Demand	:	63
19. Biochemical Oxygen Demand (3 days at 27 °C)	:	14

Note: All the values except pH, Tubidity & E.C. are expressed in mg/L.


AUTHORISED SIGNATORY

Head Office : "LAWN HOUSE", #184-C, Vengalrao Nagar, Hyderabad - 500 038. (T.S.) INDIA. Tel : 040-66730925, 66730926, Fax : 040-66730926

Branch Office : D.No.31-58-103, MIG-71, Phase-7, Road No.4/4, Dwarakapuri Colony, Kurmanapallem, Vishakhapatnam-530046. Tel : 9701505182

E-mail : lawnenviro@yahoo.co.in, Website : www.lawnenviro.com

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

APPEAL NO. 27 of 2023

Pasupulteti Suresh Babu

... Petitioner

-Vs-

MOEF and others

... Respondents

TYPED SET OF PAPERS

M/s P.J. Rishikesh

P.J. Sri Ganesh

Ami V. Kataria

Counsel for 8th Respondent