

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONAL BENCH AT CHENNAI**

**I.A. No. 128 of 2022**

**in**

**Appeal No. 39 of 2022**

**IN THE MATTER OF:**

M/s. Aadeshwar Aggregates Pvt.Ltd

...Petitioner/1<sup>st</sup> Respondent

-vs-

Telangana State Pollution Control Board

Rep. by its member Secretary

& others

...Respondents/Appellant

**INDEX**

<b>S.No.</b>	<b>Date</b>	<b>Particulars</b>	<b>Pg No.</b>
1.	05.08.2022	Counter Affidavit filed by the 1 <sup>st</sup> Respondent/Appellant.	1
2.	01.12.2000	Copy of the Judgement dated 01.12.2000 in Civil Appeal Nos. 368 to 371 & 373 of 1991 passed by the Hon'ble Supreme Court of India.	10
3.	09.07.2008	Copy of the G.O. Ms. 470, Municipal Administration & Urban Development (I1), Department	52
4.	10.03.2013	Copy of the G.O. Ms. 20, Industries & Commerce (INF) Department	64
5.	20.01.2018	Copy of the G.O. Ms. 4, Industries & Commerce (IP&INF) Department	66
6.	30.07.2018	Copy of the G.O. Ms. 45, Industries & Commerce (IP&INF) Department	70

*T. Sai Krishnan*

*Dayana J*

**M/s. T. Sai Krishnan**

**Dayana. J**

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**PLACE: CHENNAI**

**DATE : 05.08.2022**

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

**I.A No. 128 of 2022  
in  
Appeal No. 39 of 2022**

M/s. Aadeshwar Aggregates Pvt.Ltd  
Sy. No. 246/1, 246/2, Vattinagulapalli (V),  
Gandipet Mandal, Rangareddy District,  
Represented by its Authorised Signatory Sri.D.Sumanth  
S/o. D. Subrahmanyam Reddy, aged about 30 years,  
Designation: Director, R/o.Villa No. 21, Vessella Villas,  
Sri Ram Nagar, Block C, Kondapur, Kothagadu Post, Hyd.  
Phone No: 9652973456  
Email Id: [sumanthreddy1989@gmail.com](mailto:sumanthreddy1989@gmail.com) .....Petitioner/1<sup>st</sup> Respondent

-Vs-

1. Telangana State Pollution Control Board  
Rep. by its Member Secretary  
Paryavaran Bhavan, A-III  
Industrial Estate, Sanath Nagar  
Hyderabad – 18.  
Tel: 040-2381 5630  
E-mail id: [ms-tspcb@telangana.gov.in](mailto:ms-tspcb@telangana.gov.in) .....Respondent/Appellant

2. The State of Telangana  
Represented by its Chief Secretary to  
Government EFS & T department,  
Secretariat, Hyderabad.  
Tel: 040-23453111  
Email id: [prlsecy\\_efst@telangana.gov.in](mailto:prlsecy_efst@telangana.gov.in)

3. Mr. P.V. Subramanyam Varma  
S/o.P.Atchuta Rama Raju  
H.No. 8-3-762/1/A, Flat No. 3,  
Sai Sri Maruthi Apartments, Jaya Prakash Nagar,  
Behind RBI Quarters, Sri Nagar Colony,  
Khairthabad, Hyderabad  
Aged about 45 years, Occ: Journalist.

....Respondents/Respondents

**COUNTER AFFIDAVIT**

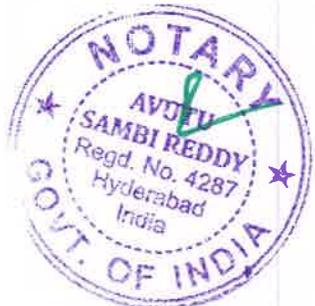
I, Neetu Kumari Prasad, W/o. Rajesh Kumar, aged about 48 years,  
Member Secretary of Telangana State Pollution Control Board, having  
address at Paryavaran Bhavan, A-III, Industrial Estate, Sanath Nagar,



*Jesh*  
**MEMBER SECRETARY**  
T.S. Pollution Control Board,  
Paryavaran Bhavan, A-3,  
Industrial Estate, Sanathnagar,  
Hyderabad-500 018.

Hyderabad- 500 018, do hereby solemnly affirm and sincerely state as follows:-

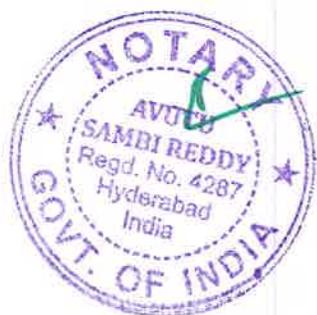
1. I am the Member Secretary of the 1<sup>st</sup> Respondent / Appellant and as such I am well acquainted with the facts of the case.
2. I submit that the above appeal has been filed by Telangana State Pollution Control Board aggrieved by the order of the Appellate Authority dated 12.05.2022 in Appeal No. 35/2022 thereby permitting the Petitioner / 1<sup>st</sup> Respondent herein to carry out and run the activity and industry even while remitting the matter back to this Board for fresh consideration of the application of the industry for grant of Consent for Establishment.
3. I have perused the affidavit of Sri D. Suman filed in support of above I.A. No. 128/2022 and deny all the averments, allegations and statements contained therein, except those that are specifically admitted herein, as totally false and untrue.
4. I deny the allegations in para 6. All the necessary and relevant facts have been set out in detail in the appeal preferred by this Board and there is no question of suppression of any facts as alleged. It is not correct to allege inaction on the part of the Pollution Control Board to act on the application for Consent for Establishment and Consent for Operation. It is not correct to state that CFE and CFO have been granted to four other units in the same vicinity and as though such fact is suppressed in the appeal.
5. I respectfully submit that it is the Petitioner / 1<sup>st</sup> Respondent who has projected a false case by twisting the facts according to his convenience without the least regard to the truth.
6. I respectfully submit that by order dated 01.12.2000 in CA No. 368-371 & 373 of 1991, the Hon'ble Supreme Court of India, while upholding GO Ms No.111, specifically directed the State Government and the Board not to permit any new industry in any of the 84 villages as notified in GO Ms No. 111 and within 10 kms radius of the twin



*Jah*  
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 Paryavarana Bhavan, A-3,  
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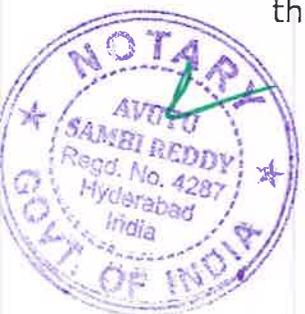
lakes namely Osman Sagar and Himayat Sagar. After the said order of the Hon'ble Supreme Court of India, this Respondent Board has not issued any permission to any new polluting industry located in any of the 84 villages as notified in GO Ms No. 111 and within 10 kms radius of the above lakes. In respect of industries which had been established prior to the said order dated 01.12.2000, the consent orders are being renewed and no new polluting industry has been permitted. In respect of the industries which had been already located, the Hon'ble Supreme Court had directed the State Government to take action in consultation with the Pollution Control Board to prevent the pollution to the drinking water in those two reservoirs. Appropriate steps and measures have been taken in this regard.

7. I respectfully submit that the Petitioner unit sought for the consent from this Respondent Board on 27.12.2019 and 16.03.2020 and the same were not considered in view of the Hon'ble Supreme Court's direction in C.A. Nos. 368-371 & 373 / 1999 and therefore rejected. The Petitioner unit filed W.P. No. 17554/2020 before the Hon'ble High Court of Telangana and by order dated 23.11.2021, the Hon'ble High Court directed this Respondent Board to decide the application of the Petitioner in accordance with law within a period of 45 days. Thereafter the CFE application was submitted by the Petitioner on 10.12.2021 and rejected for the reasons set out in the rejection order dated 09.03.2022.
8. I respectfully submit that the Petitioner had indulged in illegal operations even without the consent order from this Respondent Board and hence closure order was issued on 22.08.2019. In spite of such closure order, the Petitioner industry continued its illegal operations.
9. I deny the averments in para 7. There is no question of any favoritism been shown to certain units by this Respondent Board as alleged in para 7. No new polluting industry has been permitted to operate by this Respondent Board in the 84 villages notified in G.O.Ms. No. 111 and while so, the allegations of any bias or partisan attitude by this Respondent Board is completely false and totally untrue.



*Deb*  
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T.S. Pollution Control Board,  
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Hyderabad-500 018.

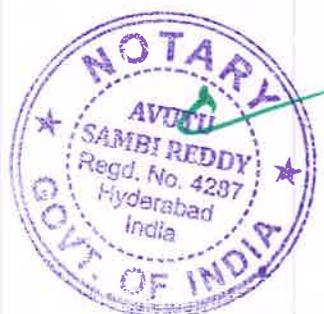
10. As regards averments in para 10 are concerned, it may be noted that the CFE application was rejected for several reasons and the rejection order may be read as part and parcel of this counter affidavit.
11. As regards averments in para 11 are concerned, I respectfully submit that the G.O.Ms No. 69 dated 12.04.2022 is subject to the condition that water quality of these two reservoirs are not impacted in any manner and that all the efforts shall be initiated by the Government to improve the water quality of these two reservoirs by (i) Installation of decentralized sewerage treatment plants at various locations (ii) Construction of diversion channels for carrying treated water without letting it into these two reservoirs (iii) Maintenance of ground water quality (iv) Minimization of Pollution through agricultural surface run-off into these two reservoirs and such other measures. A committee has been constituted headed by the Chief Secretary to suggest guidelines, including those for zoning and regulating development in the entire area covered by G.O.Ms. No. 111. The said committee is yet to formulate the guidelines and G.O.Ms. No. 69 is yet to become functional. Therefore placing reliance on the same for permitting industry to run without the mandatory consent is not only incorrect but also totally illegal and contrary to law. It is not correct to state as though restrictions imposed in 84 notified villages have been totally removed by virtue of GOMs No. 59, which is yet to become functional.
12. I deny the averments in para 13 and it is submitted that the prohibition for establishment of industry in Vattinagulapally Village is still in force and will continue to be so unless the guidelines in this regard are finalised. Since GO 111 is still operational, this Respondent would not be in a position to consider the application of the Petitioner / 1st Respondent for CFE.
13. I deny the averments in para 14 and the alleged changed scenario in respect of the prohibition for establishing any new unit in the above said village is not correct. It was previously observed that the Petitioner had indulged in illegal operations necessitating issuance



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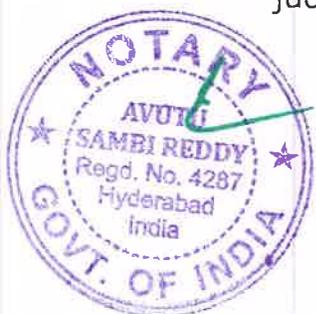
of closure order on 22.08.2019 and even after that the Petitioner industry continued its illegal operations.

14. I further submit that the Petitioner has not installed Air Pollution Control Systems to control Air Pollution and without precautionary measures and the consent order of this Board, carried on illegal operations causing pollution in the surrounding areas. Furthermore the Petitioner is located adjacent to and within the Outer Ring Road (ORR) of Hyderabad and as per G.O.Ms. No. 470 dated 09.07.2008, no expansion of existing industry and no new industry shall be permitted within 1 km belt on either side of the Outer Ring Road of Hyderabad. Apart from the same, as per G.O.Ms. No. 20 dated 01.03.2013 and amendment G.O.Ms No. 4 dated 20.01.2018 and G.O.Ms No. 456 dated 30.07.2018, new stone crusher is not permitted within the Outer Ring Road.
15. I deny the averments in para 16 wherein the Petitioner projects as though a law abiding citizen, which is not correct as reflected from the above conduct.
16. As regards the averments in para 16 (j) relating to W.P. No. 21582/2022, it is a writ petition referred by M. Anuradha and others and not concerning the Petitioner herein and the Petitioner cannot take advantage of the same. The fact remains that the Petitioner unit is located within 10 kms radius of Osman Sagar and Himayat Sagar lakes and figuring in the 84 villages where no industry shall be established as per Supreme Court Order.
17. As regards the contention that the Petitioner is a recycling unit, the same is totally false and misleading and it is a stone crushing unit involved in crushing of stone boulders extracted from the earth. Recycling is the process of recovery and reusing of waste materials. As per the CPCB categorization, the activity of the Petitioner unit falls under orange category and requires consent of the Board under the Water and Air Acts.



  
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18. It is not correct to state that the Petitioner unit is at par with the existing units to whom CFE and CFO have been granted in the same vicinity. No new CFE or CFO has been granted to new industry after the judgment of the Hon'ble Supreme Court dated 01.12.2000 as set out above.
19. The averments regarding the ex-post facto permission / consideration on par with the existing running units is totally misleading and not correct and accordingly denied. No unit has been granted expost-facto consent.
20. I deny the averments in para 17. The averments regarding alleged recycling activity have been dealt with already and it would be a total misnomer to call the Petitioner as an eco-friendly unit.
21. As regards the averments in para 18 are concerned, the judgment referred to therein is not applicable to the Petitioner unit and is not regarding grant of CFE and CFO.
22. As regards averments in para 19 are concerned, it is submitted that G.O.Ms No. 69 is yet to become functional and the G.O.Ms No. 111 dated 18.03.1996 prohibits polluting industry within 10 kms. both on upstream and downstream side of the lakes to prevent acidification of lakes due to air pollution and imposes a total prohibition of location of industries in the prohibited zone. The reference to EPTRI report and the acceptance of the same by the State Government as regards non-catchment area is in a different context and the Petitioner cannot take advantage of the same.
23. I deny the averments in para 20 and submit that no expost facto principle is applicable in the matter of the mandatory requirement of having prior CFE and CFO.
24. As regards averments in para 21 are concerned, I respectfully submit that M/s. Sri Rama Engineering Company was established in the year 1996 and obtained CFE on 21.03.1996 i.e. prior to the judgment of the Hon'ble Supreme Court dated 01.12.2000. Similarly,



  
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the GMR stone crusher was established on 17.06.1998 and CFO was issued on 04.07.2000. M/s. Hyma Developers Private Limited is a construction project in the downstream in Kokapet village which is not one of the listed 84 villages in G.O.Ms No. 111 and permission was granted for stone crusher as a captive project within the construction site for the particular construction project on temporary basis, which has to be closed and dismantled after the completion of construction project. M/s. Srinivasa Company was established on 02.03.1999 and CFO was issued on 29.07.1999 for stone chips. All the above crushing units have come into existence prior to judgment of the Hon'ble Supreme Court dated 01.12.2000 or only for Captive purpose located within the construction site on temporary basis till construction is completed. Therefore, the same cannot be the factor for consideration in the matter of the application of the petitioner unit for Consent.

25. As regards averments in para 22 and 23 are concerned, I respectfully submit that in W.P. (PIL) No. 233/2020, Hon'ble High Court of Telangana had taken on record, the report filed by the Board that closure orders have been issued to all the illegal stone crushing units including the Petitioner unit vide High Court Order dated 07.06.2021. Thereafter vide order dated 20.10.2021 in WP (PIL) No. 170/2020, the High Court directed the Officials of the Revenue Department to give effect to the closure orders passed by this Board inclusive of the closure order issued to the Petitioner unit.

26. I further submit that pursuant to orders of the Hon'ble High Court dated 18.01.2022 in W.P. No. 12022/2020, the Revenue officials along with Mining department officials and the officials of the Board conducted Joint inspection on 28.01.2022 and found that the Petitioner is one such illegal unit operating with diesel generator even after the closure order was issued. Therefore the diesel generator set of the petitioner unit was seized by revenue officials and the operational jaw crusher was also locked and sealed. Apart from the above, in O.A. No. 6/2022, this Hon'ble Tribunal constituted a Joint Committee by order dated 17.01.2022 to inspect area in question and the Joint Committee observed that the Petitioner unit has tampered the lock and seal put



  
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on the diesel generator set and the jaw crusher machine. The presence of raw material and crushed metal stone was also found inside the unit which clearly shows that the Petitioner unit has conducted production operation even after the seizure by revenue officials. Thus, it can be seen that the Petitioner has no regard for the law and violates the same consistently.

27. I respectfully submit that in the above circumstances, if the interim order is modified or vacated, it will be in violation of existing GO 111 and will cause serious prejudice to the environment and therefore it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the above I.A. No.128 / 2022 and pass such further other orders as this Hon'ble Tribunal may deem fit and thus render justice.



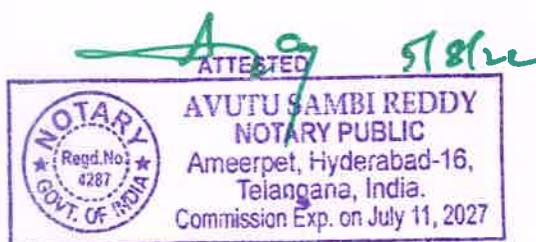
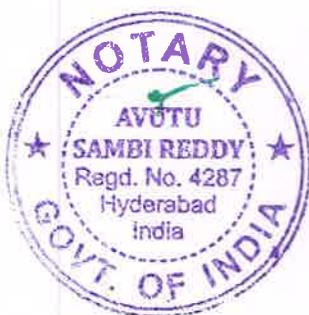
**RESPONDENT / APPELLANT**

**MEMBER SECRETARY  
T.S. Pollution Control Board,  
Paryavarana Bhavan, A-3,  
Industrial Estate, Sanathnagar,  
Hyderabad-500 018.**

Solemnly affirmed at Hyderabad on }  
this the 5<sup>th</sup> day of August 2022 }  
and signed hers name in my presence. }

BEFORE ME

ADVOCATE ::: HYDERABAD



**VERIFICATION**

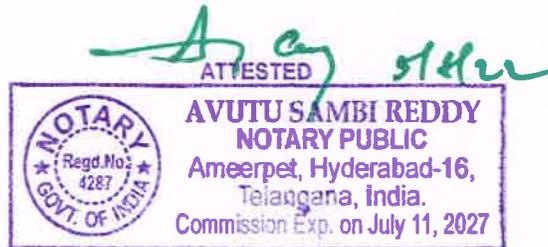
I, Neetu Kumari Prasad, IAS, the Member Secretary, TSPCB, the appellant herein do hereby verify that what are all stated above are true and correct to the best of my knowledge and as per records available in this office.

Verified at Hyderabad on this the 5<sup>th</sup> day of August, 2022.



**RESPONDENT / APPELLANT**

MEMBER SECRETARY  
T.S. Pollution Control Board,  
Paryavara Bhavan, A-3,  
Industrial Estate, Sanathnagar,  
Hyderabad-500 018.



Received by the Court  
 11/13/2000  
 CIVIL APPELLATE JURISDICTION  
 SUPREME COURT OF INDIA

REFORM FILE-5572000

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IN THE SUPREME COURT OF INDIA  
 CIVIL APPELLATE JURISDICTION  
 CIVIL APPEAL NOS. 368-371 OF 1999  
 (From the Judgment and Order dated 11.11.99 of the  
 Andhra Pradesh High Court in W.P. Nos. 1733, 1999,  
 18681/97 and 2215 of 1998)

A.P. Pollution Control Board-II

Appellant

v.

Prof. M. V. Nayudu (Retd.) & Ors.

Respondents

THE 13<sup>TH</sup> DAY OF DECEMBER, 2000

Present:

Hon'ble Mr. Justice M. Jagannadha Rao  
 Hon'ble Mr. Justice H. B. Shah

R.N. Trivedi, Additional Solicitor General,  
 Nikhil Nayyar, Mr. Urmila Srivastava, P.S. Mahalingam,  
 P. Sridhar, V.G. Pragasam, A. Subba Rao,  
 Anil Kumar Tandal, K. Ram Kumar, Ms. Sandhya Goswami,  
 N. Ganpathy, H.K. Prii, Mahabir Singh, Ms. Radhantika Vaid,  
 Ms. Anu Sawhney, Advs with him for the opposing  
 parties.

J U D G M E N T

The following judgment of the Court was delivered:



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NOS. 368-371/99

A.P. Pollution Control Board II ...Appellant

versus

Prof.M.V. Nayudu (Retd.)and Ors. ...Respondents

WITH

CIVIL APPEAL NOS. 372 and 373 OF 1999

J U D G M E N T

M. JAGANNADHA RAO J.

On an earlier occasion, in this very case, this Court in A.P. Pollution Control Board (I) Vs. Prof. M.V. Nayudu ( 1999(2) SCC 718) ( dated 27.1.1999) referred to the 'precautionary principle' and the new rule of 'burden of proof' in the matter of environmental pollution. This Court in that judgment emphasised the need for scientific inputs before adjudicating complicated issues of pollution to environment. The said approach of this Court was based upon contemporary trend in the adjudication of environmental matters in various countries and was not intended to restrict the powers of

this Court under Article 21 of the Constitution of India to safeguard environment from pollution.

Our efforts to get at the best scientific evidence on the issues involved in the case, have yielded satisfactory results in the sense that we have today greater confidence about the correctness of our conclusions and further that this is a fit case for affirming the orders of the appellant ( Andhra Pradesh Pollution Control Board) not to grant 'consent' to the seventh respondent ( M/s. Surana Oils & Derivatives (India) Ltd.) under the statute for establishing its industry. We are now more sure that, on facts, this is a pre-eminently fit case which requires grant of an injunction to prevent irreversible pollution to the drinking water reservoirs of Osman Sagar and Himayaat Sagar catering to the needs of over 50 lakhs people, in Hyderabad and Secunderabad.

Drinking water is of primary importance in any country. In fact, India is a party to the Resolution of the UNO passed during the United Nations Water Conference in 1977 as under:

"All people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantum and of a quality equal to their basic needs."

Thus, the right to access to drinking water is fundamental to life and there is a duty on the State

under Article 21 to provide clean drinking water to its citizens.

Adverting to the above right declared in the aforesaid Resolution, in Narmada Bachao Andolan Vs. Union of India ( 2000(7) Scale 34 ( at p.124), Kirpal J observed:

"Water is the basic need for the survival of human beings and is part of right of life and human rights as enshrined in Article 21 of the Constitution of India....."

There is therefore need to take into account the right to a healthy environment along with the right to sustainable development and balance them.

Competing human rights to healthy environment and sustainable development:

There is building up, in various countries, a concept that right to healthy environment and to sustainable development are fundamental human rights implicit in the right to 'life'.

Our Supreme Court was one of the first Courts to develop the concept of right to 'healthy environment' as part of the right to "life" under Article 21 of our Constitution. ( See Bandhua Mukti Morcha Vs. Union of India, ( 1984(3) SCC 161)). This principle has now been adopted in various countries today.

In today's emerging jurisprudence, environmental rights which encompass a group of collective rights are described as "third generation" rights. The "first generation" rights are generally political rights such as those found in the International Convention on Civil & Political Rights while "second generation" rights are social and economic rights as found in the International Covenant on Economic, Social and Cultural Rights. "Right to Healthy Environment". (See Vol.25) 2000 Columbia Journal of Environmental Law by John Lee P.293, at pp.293-294 fn.29)

The right to sustainable development has been declared by the UN General Assembly to be an inalienable human right ( Declaration on the Right to Development )(1986). The 1992 Rio Conference declared that Human beings are at the centre of concerns for sustainable development. Human beings are entitled to a healthy and productive life in harmony with nature. (Principle 1). In order to achieve "sustainable development, environmental protection shall constitute an integral part of development process and cannot be considered in isolation of it". The 1997 Earth Summit meeting of 100 nations in New York reflected the above principles. The European Court of Justice, emphasised in Portugal Vs. E.C. Council, the need to promote sustainable development while taking into account the environment.

(3 C.M.L.R.331)(1997) (ibid Columbia Journal of Environmental Law, p: 283)

In Lopez Ostra Vs. Spain ( 303-C, Eur.Ct.H.R.(Ser.A) 1994), the European Court at Strasbourg has held that the result of environmental degradation might affect an individual's well being so as to deprive him of enjoyment of private and family life. Under Article 8 of the European Convention, everyone is guaranteed the right to respect for his private and family life. ( See also, Powell & Rayner Vs. U.K. ( 172 Eur. Ct H.R.(Ser.A, p.5)(1990). The Inter-American Commission on Human Rights has found a similar linkage (Yanomani Indians Vs. Brazil) ( Inter-Amer.C.H.R. 7615 OEA/Ser.L.V/II/66 Doc.10 rev. 1 (1985). The Commission found that Brazil had violated the Yanomani Indians' right to life by not taking measures to prevent the environmental damage. The Philippine Supreme Court dealt with the action against Government not to continue licensing agreements permitting deforestation so that the right to a 'balanced and healthful ecology in accordance with the rhythm and harmony of nature' is not affected. ( Minors Osasa Vs. Department of Environment and Natural Resources ( 33, I.L.M. 173)(1994). The judgment was based on 'intergenerational responsibility'. In Fundepublico Vs. Mayer of Bugalaarande & Ors. , the Constitutional Court of Columbia ( 17.6.1992) held in favour of the right to healthy environment as a

17

fundamental human right and treated the right as part of customary international law. The Court permitted popular action mechanism. The Supreme Court of South Africa, in a recent case in Wildlife Society of Southern Africa & Ors. vs. Minister of Environmental affairs and Tourism of the Republic of South Africa and Ors. (Dt.27.6.1996) (1996(9) BCLR 1221 (Tk); 1996 SACL R LEXIS 30) dealt with the right to healthy environment. About 60 nations since 1990 have recognised in their constitutions a right to a healthy environment as a corollary duty to defend the environment. (Columbia Journal of Environmental Law, ibid PP.318-319).

Thus, the concept of a healthy environment as a part of the fundamental right to life, developed by our Supreme Court, is finding acceptance in various countries side by side with the right to development.

Events after 27.1.99 judgment:

We shall now refer to the events subsequent to our order dated 27.1.99. They are as follows:

The question is whether in the event of the seventh respondent being permitted to establish its industry within 10 kms. of the lakes - notwithstanding the Government's policy to the contrary and the refusal of the appellants Board to grant NOC - there is likelihood of serious pollution to the drinking water in these lakes. This Court in its judgment dated 27.1.99

referred the said question to the National Environmental Appellate Authority (constituted under the National Environmental Appellate Authority Act, 1997) for its opinion. The said authority visited the site of the industry at Peddashgur village near Hyderabad and submitted a detailed and exhaustive report to this Court, after receiving oral and documentary evidence. The report went against the seventh respondent industry. The industry filed objections to the said Report.

When the matter was thereafter heard, the seventh respondent industry relied upon an order passed by the appellant-Board on 16.7.97, suggesting that if certain safeguards were provided by the industry to prevent pollution, NOC could be granted. The said order had to be passed at one stage by the Board because of the direction of the Government of Andhra Andhra contained in an order granting exemption from the 10 KM rule.

Before this Court heard arguments on the merits on the question of validity of the exemption granted by the Government, this Court wanted to first ascertain - without prejudice to the contentions of the parties - whether the precautions which were suggested by the appellant Board on 16.7.97 pursuant to the directive of the State Government would be adequate and whether any further precautions were to be taken. The limited question relating to adequacy or otherwise of the

"safeguards" as stated above was then referred to another expert body, namely, the University Department of Chemical Technology, (Autonomous), Matunga, Bombay, headed by Prof. D.N. Bhowmick. It was stated in the said order of this Court that Prof. Bhowmick could take the assistance of the National Geophysical Research Institute, Hyderabad (hereinafter called the 'NGRI').

Thereafter, Dr. Bhowmick submitted his Report dated 16.8.2000 together with a report of June 2000 furnished by the NGRI, Hyderabad. In as much as the Reports - particularly, that of NGRI- had gone against the 7th respondent - industry, it again filed objections thereto.

We then finally heard learned Additional Solicitor General of India, Sri R.N. Trivedi for the appellant Board and of Sri P.S. Narasimha for the writ petitioner (respondent 1) who supported the appellant and Sri A. Subba Rao, learned counsel for the 7th respondent-industry. Thus, we have now the Report of the National Environmental Appellate Authority, the Report of Dr. Bhowmick, (Bombay) and the Report of the National Geophysical Research Institute, (NGRI) Hyderabad.

Basic facts leading to the grant of exemption:

We may now refer to certain basic facts. The Ministry of Forests and Environment, Union of India issued a Notification dated 27.9.88 listing various industries as hazardous and included them in a 'Red'

list. Item 37 of the said list of hazardous industries is the industry which produces 'vegetable oils including solvent extracted oils'. The above notification was expressly stated to be issued by the Government of India in exercise of its powers vested under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Cess Act 1977 and the Environment (Protection) Act, 1986, directing that whenever any industry sought consent from the Pollution Control Boards, the said Boards, "while processing the consent application, should decide, keeping in view the pollution - causing potential of the industry, as to which category the industry belongs."

Consequent to the directive of the Union Government the State of Andhra Pradesh initially issued notification in GO 192 dated 31.3.94 (Municipal Administration). Therein, the State Government relied upon the interim report of an Expert Committee of the Hyderabad Metropolitan Water Supply and Sewerage Board, called HMWSSB), and prohibited industries being located within 10 K.M. of the two reservoirs.

In spite of the prohibition contained in GO 192 dated 31.3.94 prohibiting industries within 10 KM. of the reservoirs, the seventh respondent industry

purchased land of 12 acres on 26.9.95 in Peddashpur village situated on the outskirts of Hyderabad, within 10 KM of the reservoirs. Initially, the industry applied for consent from the appellant Board in November 1995, through the Industries Department of the State Government. The State of Andhra Pradesh, by letter dated 28.11.95, wrote to the Government of India on 28.11.95, recommending grant of letter of intent in relaxation of 10 K.M. rule, subject to the industry obtaining NOC from the appellant Board. On 9.1.96, Government of India gave letter of intent but required the industry to obtain No Objection Certificate from the environmental authority of the State.

At that stage, the Government re-affirmed the 10 K.M. prohibition in GO 111 dated 8.3.95, after obtaining the second interim report of the HMWSSB. Consequent thereto, in the pre-scrutiny by the Single Window Clearance Committee Meeting of the Pollution Control Board held on 24.5.95, the application of the industry stood rejected because of the 10 K.M. prohibition.

Undeterred, the industry proceeded to obtain permission from the Gram Panchayat on 31.5.95 for establishing a 'factory'. Even though, on 31.5.95 the Commissioner of Industries, specifically informed the industry that it should better select an alternative site, instead of heeding to the said advice, the

industry obtained permission of the District Collector on 7.9.96 for change of land use from agricultural to non-agricultural use. It then proceeded to execute various civil works in spite of the 10 k.m. prohibition rule.

Thereafter, the Industry proceeded further with construction of civil works and then applied to the appellat Board on 7.4.97 under Section 25 of the Water Act for permission to establish the factory. One of the bye-products mentioned in the said application was:

"Glycerine, spent bleaching earth and carbon and spent nickel catalysts".

On 1.6.97, the appellat Board wrote to the Commissioner of Industries that the industry would be generating 'nickel' catalyst and other pollutants which could find their way to the lakes either directly or indirectly. Even the solid waste such as activated carbon bleaching earth and sodium sulphate might find entry during rainy season from the storage yard resulting in polluting to lakes.

In spite of the said opinion of the appellat Board, the Commissioner of industries, in his letter dated 6.6.97 stated that there would be no liquid effluent or acidic fumes and that the limited aqueous effluent was totally bio-degradable and the solid wastes were disposable.

On 25.6.97, the appellants Board once again rejected the application of the industry inasmuch as the said industry was in the 'Red' list annexed to the Notification dated 1.2.89 of the Ministry of Forests & Environment, Government of India.

Confronted with the above problems, the industry approached the State Government on 24.6.96 seeking exemption from the 10 k.m. rule contained in GO.111 dated 8.3.96 on the ground that it had invested huge amounts to establish the industry and that it had almost completed the civil works, and had purchased machinery and installed the same. The State Government, in spite of the prohibitory directions issued by it earlier, issued GO. 153 dated 3.7.97 granting exemption from GO 111 dated 8.3.96 on the ground that the Government of India had issued letter of intent on 9.1.96, that the Commissioner of Industries, in his letter dated 5.6.97 opined that there would be no liquid effluents and that the solid wastes would be disposable. Government then granted exemption stating as follows:

"The Government had considered the matter in its entirety and feel that if proper control over treatment of aqueous and solid wastes is exercised, then there can be no objection to setting up of the industry under reference at the proposed site".

The Government then directed the Board, to prescribe conditions for treatment/disposal of aqueous/solid

waste.

Compelled by the above direction, the appellant Board passed an order on 16.7.97 requiring various precautions to be taken by the industry. (In fact, after 8.3.96, Government of Andhra Pradesh issued GO 191 dated 7.8.1997 modifying GO 153 dated 3.7.97 and clarifying that the exemption granted did not relate to para (1) of GO 111 but related only to para 3(f)), that para being the one which related to the 10 K.m. prohibition.

Meanwhile, the Society for Preservation of Environment - and Quality Life ( SPEQL) filed W.P. 16969/97 for quashing the exemption order in GO 153 dated 3.7.97 and obtained stay on 25.7.97.

The appellant-Board stuck to its decision to refuse NOC. On 30.7.97, it finally rejected the application for NOC relying upon GO 111 dated 8.3.96 and also upon the Government of India's notification dated 1.2.89 which showed this type of industry in its 'Red' list. The Board stated that it was not desirable to locate such an industry in the catchment area in view of GO. 111 dated 8.3.96. It also referred to the fact that earlier the Board had already rejected the NOC on 24.5.96 at the pre-scrutiny level.

Aggrieved by the order of rejection dated 30.7.97

of the appellant Board, the seventh-respondent industry filed appeal under Section 28 of the Water Act, 1974 before the appellate authority. For the first time, in the said appeal, it filed an affidavit of Prof. M. Santappa, ( a former Vice Chancellor) who was the then Scientific Officer of the Tamil Nadu Pollution Control Board. The said opinion was in favour of the industry.

By order dated 5.1.98, the appellate authority (presided over by a retired Judge of the A.P. High Court) allowed the appeal and set aside the orders of the Board. It held that the categorisation into 'Red' as made by the Government of India on 1.2.89 was applicable only to the industries set up in the Doon valley. It relied on the affidavit of Prof.M.Shantappa to the effect that the industry had adopted the latest technology which was eco-friendly and that the Chairman of the Board of Directors of the industry was Dr.Siddhu, formerly Director General of CSIR, that the technology was obtained by the industry from the Indian Institute of Chemical Technology, Hyderabad (IICT) which issued a certificate that the industry will not discharge any acidic effluents and solid wastes, and that they could be collected in M.S.Drums mechanically. The appellate authority referred to Dr. Santappa's report which stated that none of the bye products would fall on ground and that the conditions laid down by the Technical Committee of the appellant Board on 16.7.97 would be fulfilled. There would be no liquid effluents or acidic fumes as

certified by IICT. The nearest spread would be 8.5 kms. There was no possibility of seepage into the reservoirs. The appellate authority also held that principle of 'promissory estoppel' applied inasmuch as permission for change of land-use was given and permission to erect factory was also given. It was brought to the notice of the said appellate authority that under the Water Act, long before the State Government issued the prohibiting notification, there was an earlier categorisation dated 27.9.88 made by the Government of India showing 'Vanaspati' Hydegenerated vegetable oils for industrial purposes' in the red category. Even so, the appellate authority allowed the appeal of the 7th respondent filed under Section 28 of the Water (Prevention and Control of pollution) Act, 1974 and directed NOC to be issued by the appellant.

Writ petition 2215/98 was a PIL case filed for quashing the order dated 5.1.98 of the appellate authority. The said writ petition and the writ petition of SPEQL (WP. 16969/97 already referred to) and the W.P. 11803/98 filed by the respondent-industry seeking mandamus against the appellant Board for grant of NOC, were all disposed of by the High Court on 1.5.98, upholding the orders of the appellate authority and directing grant of NOC by the appellant.

The present appeals have arisen out of the said

judgment. We first rendered the judgment dated 27.1.99 as stated earlier. We have already set out the subsequent facts relating to the reference made by this Court to the National Environmental Appellate Authority on the main point relating to Pollution and also to its report dated 25.6.99. Further, we have said that this Court then made a further reference by order dated 5.5.2000 to the University-Department of Chemical Technology, Bombay and the latter submitted its Report dated 16.8.2000 together with Report of National Geophysical Research Institute, Hyderabad of June, 2000.

The following points arise for consideration:-

- (1) Whether, in view of sub-section 2(b), 3(2) and 5 of the Environment (Protection) Act, 1986 and the notification issued by the Central Government on 27.9.88 and the further notification issued by the State Government on 31.3.94 and 8.3.96 as delegate of the Central Government, totally prohibiting location of following industries in an 'area', it was permissible for the State Government to issue an exemption on 3.7.97 for an individual hazardous industry within the area, even, if it be by way of asking the industry to provide safeguards?
- (2) Whether, in view of sub-sections 2(e), 2(k), 17, 18 and 19 of the Water (Prevention and Control of Pollution) Act, 1974, if the State Government had issued

notification totally prohibiting polluting industries in the area, and if the State Pollution Board had rejected the request for location of a polluting industry within the area, it was permissible for the Government to grant exemption for a single industry within the prohibited area?

(3) Whether in the light of the Reports of (a) the National Environment Appellate Authority, New Delhi, (b) the University Department of Chemical Technology, Bombay and (c) the National Geophysical Research Institute, Hyderabad, the 7th respondent industry could claim exemption from the 10 KM. prohibition and whether such an exemption could have been granted?

(4) Whether in spite of the prohibition contained in Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 that industries should not be established without consent of the appellant-Board, the seventh respondent could have proceeded with establishing the industry and could plead equities or rely on the principle of promissory estoppel?

(5) On the question of establishment of 'Environmental Courts', to what extent, the States and Union Territories have taken steps to have environmental scientists/experts in the various environmental tribunal or appellate bodies, as directed in the earlier judgment?

(6) To what relief?

Points 1 and 2:

It is necessary first to refer to the following provision of the Environment (Protection) Act, 1986.

Under Section 2(b), 'environmental pollution' means any solid, liquid or gaseous substance present in such concentration may be, or tend to be, injurious to environment. Section 2(e) defines 'hazardous substance' as any substance or preparation which, by reason of its chemical or physio-chemical properties or handling, is liable to cause harm to human being, other living creatures, plants, micro-organism, property or the environment. Section 3 refers to the extensive process of the Central Government to take measures to protect and improve environment. Sub-clause (2) permits measures to be taken ( see clause (v)) by imposing

"restriction of areas in which industries, operations or processes, or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards."

Section 5 deals with the power of the Central Government, to issue directions to any person, officer or any authority and such person, officer or authority shall be bound to comply with such conditions. Explanation to Section 5 clarifies that the said power to issue directions includes the power to direct:

"(a) the closure, prohibition or regulation of any industry, operation or

65

process; or

(b) stoppage or regulation of the supply of electricity or water or any other service."

The notification of the Central Government dated 27.9.1988 (Ministry of Forests and Environment) was issued expressly in exercise of powers of the Central Government under the Environment (Protection) Act, 1986 the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. It stated that industries were being classified in lists 'Red, Orange and Green' and that "when an industry seeks consent from the Pollution Control Board, as required by the above Acts, the Board while processing the consent application should decide, keeping in view the pollution causing potential of the industry, as to which category, the 'environmental safeguards' should be determined". This is a general notification. Item 37 in the red list refers to an industry producing 'vegetable oils including solvent extracted oil'. No doubt, the subsequent notification dated 1.2.1989 as pointed by the appellate authority under Section 28 related to red category industries for the Doon Valley and was issued under Section 3(2)(v) of the Environment (Protection) Act, 1986 and Rule 5(3)(d) of the Environment (Protection) Rules, 1986 for the purpose of restricting industrial units in Doon Valley. Even assuming that notification dated 1.2.89 did not

apply to Andhra Pradesh, the notification dated 27.9.88 and the State Government's notification in GO 111 dated 8.3.96 are sufficient for the present purposes.

As pointed out in para 2(c) of the Rejoinder affidavit of the appellant-Board, the power to issue directions under Section 5 of the Environment (Protection) Act, 1986 and its Environment (Protection) Rules, 1986 were amended in 1988 (S.O. 152-E) were delegated to the State of Andhra Pradesh in 1988 in S.O. 152-E. The said notification reads as follows:

"S.O.No.152(E) dated 10.2.1988: In exercise of the powers conferred by Section 23 of the Environment (Protection) Act, 1986 the Central Government hereby delegates the powers vested in it under Section 5 of the act to the State Governments of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Mizoram, Orissa, Rajasthan, Sikkim and Tamil Nadu subject to the condition that the Central Government may revoke such delegation of powers in respect of all or any one or more of the State Government or may itself invoke the provisions of Section 5 of the Act, if in the opinion of the Central Government such a course of action is necessary in public interest."

The State of Andhra Pradesh could therefore issue orders in GO 111 dated 8.3.96 prohibiting the location of industries in specified areas.

In our view, GO 192 dated 31.3.1994 and GO 111 dated 8.3.1996 are therefore referable to the said delegated authority permitting the State Government to

impose "total prohibition" of polluting industries to be located within 10 Kms. of the two reservoirs. The notification dated 31.3.1994 prohibited any polluting industries, Major Hotels, residential colonies or other establishments that generate pollution in the catchment areas of these two lakes within 10 Kms radius from the full tank level. The appellant Board and the MD of the Hyderabad Water Supply and Sewage Board, the HUDA and the Collector of three Districts, Mehboobnagar, Rangra Reddy and Hyderabad were directed to scrupulously protect the water in the two lakes from imminent danger of pollution. GO 111 dated 8.3.1996 (Municipal Administration and urban Development Department) issued in modification of GO 192 dated 31.3.1994 re-iterated the same prohibition as follows in clause 3(f). It stated:

"3(i): To prohibit polluting industries, major hotels, residential colonies or other establishments that generate pollution in the catchment of the lakes up to 10 Kms., from full tank level of the lakes as per list in Annexure I.

3(e): To prohibit pollution industries within 10 Kms. radius (in both on upstream and down stream side of the lakes to prevent acidification of lakes due to air pollution.

3(f): There shall be total prohibition of location of industries in the prohibited zone."

The above notification was issued after approval by the

33

Chief Secretary or the Chief Minister. Item 38 thereof refers to Peddashpur Village, which is within 10 KM of these two reservoirs.

As stated earlier, on 3.7.1997, the State Government (Industries and Commerce) Department issued notification granting "exemption" from the 10 KM rule mentioned in GO 111 dated 8.3.96 later amended by GO 181 dated 7.8.1997 as exempting para 3(f) of GO 111 and directed A.P. Pollution Control Board:

"to prescribe conditions for treatment/ disposal of aqueous/solid wastes."

The result of exemption from the purview of para 3(f) of GO.111 dated 8.3.96 was that the seventh respondent industry could be located within 10 KM of the lakes. The question is whether this exemption can be valid?

Under Section 3(2)(v) above extracted, the Central Government or the State Government as its delegate, could issue directions as permitted by Section 5. Now Section 3(2)(v) permits restriction specifying "areas" in which industrial operations or processes shall not be carried out or shall be carried out subject to certain safeguards. The notification issued by the State Government in GO 111 dated 8.3.96 falls within the first part i.e. where industries shall not be carried out. This is a total prohibition within 10 KM of the two

reservoirs. When such a prohibition was in force, the State Government could not obviously grant any exemption to a specified industry like the seventh respondent, located within the 'area'. Nor was it permissible for the State to direct the appellant-Board to prescribe conditions for grant of NOS.

Coming to the provisions of the Water Act, 1974, it is clear that in view of Sub-sections 2(e), 2(k) read with Sections 17 and 18 of the Water Act, the fundamental objective of the statute is to provide clean drinking water to the citizens. Having laid down the policy prohibiting location of any industries within 10 Kms under GO 111 dated 8.3.1996, the State could not have granted exemption to the 7th respondent industry, nor to any other industry, from any part of the main GO 111 dated 8.3.96. Section 19 permitted the State to restrict the application of the Water Act, 1974 to particular area, if need be, but it did not enable the State to grant exemption to a particular industry within the area prohibited for location of polluting industries. Exercise of such a power in favour of a particular industry must be treated as arbitrary and contrary to public interest and in violation of the right to clean water under Article 21 of the Constitution of India.

The above reasoning given by us does not mean

3

that exemption can be given to all industries within a particular radius of the reservoirs unmindful of the possible danger of pollution to the lakes. In fact, exemption granted even to a single major hazardous industry may itself be sufficient to make the water in the reservoirs totally unsafe for drinking water purposes. Government could not pass such orders of exemption having dangerous potential, unmindful of the fate of lakhs of citizens of the twin cities to whom drinking water is supplied from these lakes. Such an order of exemption carelessly passed, ignoring the 'precautionary principle', could be catastrophic.

Therefore, the GO 153 dated 3.7.97 granting exemption must be held to be without statutory backing and also wholly arbitrary and violative of Article 21. Points 1 and 2 are decided against the 7th respondent.

Point 3:

In our earlier judgment in A.P. Pollution Control Board (I) Vs. Prof. M.V. Nayudu and Ors. ( 1999(2) SCC 718), this Court had occasion to refer to the basis of the precautionary principle and to explain the basis and content of the very principle. This Court also explained the new principle of burden of proof.

Therefore, it was for the 7th respondent industry to establish that there would be no danger of pollution to the two reservoirs even if the industry was

established within 10 Km radius of the said reservoirs. In the present proceedings, the 7th respondent has failed to discharge the said onus.

Before the State Government, the industry produced no expert opinion except to say that it had got the new technology from the Indian Institute of Chemical Technology, Hyderabad (IICT) and it relied on a statement of Dr. Siddhu, Chairman of the 7th respondent and formerly Director General of CSIR. The affidavit of Dr. Santappa was produced only before the appellate authority under Section 28 of the Water Act, 1974.

But, in the light of the subsequent reports now obtained by this Court, the position is quite clear. We shall now refer in some detail to the three exhaustive reports furnished by the National Environmental Appellate Authority, New Delhi (NEAA), Dr. Bhowmick of Bombay and the NGRI.

(A) Report of National Environmental Appellate Authority, New Delhi (NEAA):

The said authority was presided over by a retired Judge of the Supreme Court of India, Sri Justice. N. Venkatachala.

The NEAA framed two points (a) and (b):

- (a) (i) Is the respondent-industry a hazardous industry or?
- (ii) What is the pollution

72.

37

potentiality of the respondent industry, taking into account, the nature of the products, its effluents and its location?

(iii) Whether the operation of the industry is likely to affect the sensitive catchment area resulting in pollution of the Himayat Sagar and Osman Sagar lakes supplying drinking water to the twin cities of Hyderabad and Secunderabad?

On point (a)(i), it noticed that the industry is to use, among 12 major items, - 70 Kgs. of nickel based catalyst (Pellets) per day and that the raw material is to be stored atleast for 30 days. It observed that according to Chapter 8.0 of NFPA, Hazard classification, the raw materials used by the industry are serious health hazards, highly inflammable and re-active at elevated temperatures and pressures. Four items, Nickel, Ammonia, Methanol and Hydrochloric Acid are used in the process. After referring to the various plants and processes, the NEAA referred to the provisions of the Factories Act (as amended in 1987) and Section 2 (cb) defining 'hazardous processes and Schedule I thereof in which item 25 refers to 'extraction of oils and fats from vegetable and animal sources' as hazardous processes. It referred to Rule 2(h) of the 'Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989' issued under the Environment (Protection) Act, 1986. It referred to the provisions in the Environment (Protection) Act, Section 2(e), 2(f) and 2(d). It agreed that merely because an industry is hazardous does not by

itself debar it but then Section 8 of that act would come into play. It answered question (1) in the affirmative that the industry is hazardous.

On point a(ii), it referred to the definition of 'pollution' in section 3(c) of the Water Act, section 2(f) which defines 'sewage effluent' and section 2(k) which defines 'trade effluent' and observed that the 'pollution potential' of the industry was to be assessed. After referring to the effluents - Commercial Castor oil, Bleaching earth, Activated carbon, Nickel catalyst, Hyflo supercel, Sulphuric Acid, Caustic Soda, Methanol, Calcium Oxide, Alum - in all 1463 MTs per month and noticed that the monthly requirement of Hydrogen was 76 500 NM<sup>3</sup>. As the industry is coal based, large quantity coal is required. It would produce huge quantities of BSS, HCO, HSA, Methyl, Fatty acids, Epoxidise, Glyceren etc. Hydroxy Stearic Acid, methyl Hydroxy Stearic Acid and methanol are serious health hazardous. Items in part II list of Schedule I to the 'Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989' are the raw materials and RW2 ( Dr. G.S. Siddhu) in his evidence agreed that these are hazardous (toxic) chemicals. The solid effluents generated every day, are (i) spent bleaching earth 1250 Kgs, (ii) spent bleaching carbon 250 kgs, (iii) spent nickel catalyst 45 kgs, and (iv) sodium sulphate 3820 Kgs. (12-HSA) and 170 kgs. (from CME). Monthly turn out of effluents will be

400 MT. Every day 55 kgs. of nickel is consumed. Every day, 27,830 litres of water are to be used and normally the effluent will carry all these hazardous substances, including nickel. As it is said that the water used could be re-used for cultivation of lands in the premises of the industry, the toxic chemicals which get lodged in the surface layers of the soil will flow down in storm run offs or percolate into the ground water, to ultimately reach the water body of the two reservoirs. The NEAA further stated that Dr. Santappa in his evidence as RW-1 made admissions regarding gaseous effluents - - fly ash, SO<sub>2</sub>, CO<sub>2</sub>, Oxides of Nitrogen, Oxides of Sulphur and suspended particulate matter. The solid and liquid effluents could reach the lakes through seepage. The factory cannot be located in the catchment area because run-offs due to rain will carry hazardous material along surface and through seepage. The NEAA adverted to the 'Drainage Basic Analysis' by the Central Ground Water Board, to the effect that the Basin "has moderate run-off and moderately high permeability of the terrain. As such the amount of infiltration is considerably high". The said Report shows that rainfall in 796 mm (heaviest being 1326 mm) and there is every likelihood of the solids being "transported down along the gradient". The said Report of Central Ground Water Board, referred to "dolerite dykes" in the vicinity and the possibility of flow even more. Having regard to the

location of the dyke and the speed and angle, the polluted water could reach Himayat Sagar which is hardly 2 m bgl. since the dam height is 1753.50 feet. Satellite maps of NSRA were also examined and relied for this purpose. Among the substances stored are nickel, sulphuric acid, HCA, which are well-known 'hazardous' substances.

The NEAA pointed out that the 'Engineering Package' provided by the IICT to the industry ( Ex.p.29) as found in the agreement with the IICT, "does not refer at all to the nature of pollutants to be generated in this industry or to the methods adopted to control them, as asserted by RW2". The NEAA pointed out that in fact clause 17(5) of Annexure IV to the agreement stated that 'the scope of supply (engineering package) does not include design of effluent treatment system'. On this ground the article in IICT Bulletin ( Ex.R 1) was rejected by the NEAA.

The NEAA also referred to the Report of the three man Technical Committee of the Andhra Pradesh Pollution Control Board consisting of Dr. J.M. Dave ( PW 3) and that "accidents and human failure are the most probable causes for spillage and it is unrealistic to give a 'zero spillage', and specially to their report on 'nickel' and held that the respondent industry has high pollution potentiality under issue a(ii).

The NEAA, then took up issue (b) as to the likelihood of the industry affecting the sensitive catchment area. It referred to the Expert Committee Report of the HMWSSB and its recommendations which led to the issuance of the GO 192 dated 31.3.94 and GO 111 dated 08/3.96. The NEAA concluded that the "establishment of any chemical industry, carries with it, the imminent dangers of the chemicals or chemical effluents polluting the water of Himayat Sagar and Osman Sagar.

Thus, the exhaustive Report of the NEAA has gone against the 7th respondent industry.

(B) Report of Bombay University Department of Chemical Technology headed by Dr. Bhowmick:

The Department of Chemical Technology, Bombay University, in its Report dated 16.8.2000 have gone into the other aspects as to what should be the safeguards to be taken by the industry if the appellant-Board's letter dated 16.7.97 is to be applied. Dr. Bhowmick suggested that 'No nickel catalyst whether present in any solid waste or in any solution be allowed to spill on floor/ground. The process should not emit gaseous harmful vapours. Adequate and ready safety measures must be made available for accidental leakage/spillage situations. They then gave six suggestions - storage tanks to be surrounded by bunds; that it is not

advisable to use hydrochloric acid but sulphuric acid may be used. Again, accidental leakage of ammonia will be catastrophic. Alternately, hydrogen gas may be brought in cylinders. He expressed doubts about plate and frame filter press or of leaf filters. Quantity of methanol stored should not exceed more than a week's requirement. The floor washing water should pass through oil traps and then properly treated in an effluent treatment plant. If salt and ionic impurities are not removed, it may produce ground water contamination.

(C) Report of National Geophysical Research Institute, Hyderabad

Finally, the NGRI, Hyderabad has given a very detailed and exhaustive report about "IMPACT OF DYKE". They conducted (i) field investigations, (ii) Hydrogeological studies, (iii) Geophysical investigation, (iv) Electric Resistivity investigation (v) Magnetic survey and (vi) Tracer studies. The Report is a voluminous one.

The final conclusion after an exhaustive analysis of various types of data "from results of multi-parameter investigations carried out in the area, is that hydraulic connectivity exists across the dolerite dyke located between Chouderguda and Sirsilmuktha facilitating the ground water movement.....In the post monsoon scenario, the groundwater tabel will go up and

thereby may result in more groundwater flow across the dyke.

Our conclusion on the basis of these Reports:

In the light of the above exhaustive scientific Reports of the National Environmental Appellate Authority, New Delhi the Department of Chemical Technology, Bombay University and the National Geophysical Research Institute, Hyderabad - it cannot be said that the two lakes will not be endangered. The package of the IICT - which did not deal with the elimination of effluent effects, the opinion of Dr. Santappa, the view of Director of Industries, and the view of the Government of Andhra Pradesh must be held to be base on insufficient data and not scientifically accurate.

It is no doubt stated by the 7th respondent that it is prepared to adopt the safety measures suggested by the appellant Board on 1.7.97 and also those suggested by Dr. Bhowmick, by trying to see that during storage of raw materials and after release of the hazardous liquids, they are put in containers and removed.

In respect of these drinking water -reservoirs which cater to the needs of about 70 or 80 lakhs population, we cannot rely upon a bare assurance that care will be taken in the storage of serious hazardous materials. Nor can we rely on an assurance, that these

hazardous substances would be effectively removed without spillage. It is, in our view, not humanly possible for any department to keep track, whether the pollutants are not spilled over. This is exactly where the 'precautionary principle' comes into play. The chance of an accident, within such close proximity of the reservoirs cannot be ruled out, as pointed out in the Reports. Thus, we are led to the inference that there is a very great risk that these highly hazardous material could seep into the earth and reach the tanks, after passing through the dolerite dykes, as pointed by the National Geophysical Research Institute. Our inference from facts and the reports is that of a reasonable person, as pointed out in the main judgment in A.P. Pollution Board Vs. Prof. M.V. Nayudu.

On the basis of the scientific material now obtained by this Court from three highly reputed sources, this is certainly not a fit case for directing grant of NOC by the Pollution Control Board. It is not also possible to hold that the safeguards suggested by the appellant Board - pursuant to the direction of the Government dated 3.7.97, will be adequate, in the light of the Reports. We therefore hold that in the facts of this case, the Board could not be directed to suggest safeguards and there is every likelihood that safeguards could fail either due to accident, as stated in the

report, or due to human error. We, therefore, hold on point 3 against the 7th respondent-industry.

Point 4:

This point deals with the principle of promissory estoppel applied by the appellate authority, on the ground that once building permission and permission for change of land use were granted, the appellant Board could not refuse NOC. The learned Additional Solicitor General, Sri R.N. Trivedi referred to the amendment to Section-25(1) in this connection.

Under Section 25 (1) of the Water (Prevention and Control of Pollution) Act, 1974 as it original stood, sub-section (1) thereof read as follows:

"Section 25(1): Subject to the provisions of this section, no person shall, without the previous consent of the State Board, bring into use any new or altered outlet for the discharge of sewage or trade effluent into a stream or well or begin to make any new discharge of sewage or trade effluent into a stream or well".

By Central Act 53/1988, the sub-section was amended and reads as follows:

"Section 25(1): Subject to the provisions of this section, no person shall, without the previous consent of the State Board - (a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or

addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage) or (b) bring into use any new or altered outlet for the discharge of sewage, or (c) bring to make any new discharge of sewage....."

After the amendment, the prohibition now extends even to 'establishment' of the industry of taking of steps for that process and therefore before consent of the Pollution Board is obtained, neither can the industry be established nor any steps can be taken to establish it.

The learned Additional Solicitor General of India, Sri Trivedi is right in contending that the 7th respondent industry ought not to have taken steps to obtain approval of plans by the Gram Panchayat, nor for conversion of land use by the Collector, nor should it have proceeded with civil work in a installation of machinery. The action of the industry being contrary to the provisions of the Act, no equities can be claimed.

The learned Appellate Authority erred in thinking that because of the approval of plan by the Panchayat, or conversion of land use by the Collector or grant of letter of intent by the Central Government, a case for applying principle of "promissory estoppel" applied to the facts of this case. There could be no estoppel against the statute. The industry could not therefore

seek an NOC after violating the policy decision of the Government. Point 4 is decided against the 7th respondent accordingly.

Point 5:

In this Court's earlier judgment dated 27.1.99, this Court referred to the need for constituting environmental Courts, tribunals, or appellate bodies comprising of environmental scientists/experts as members. We had then referred to the need to constitute Environmental Courts as done in New South Wales in Australia. In this Court's earlier judgment, responses of various States and Universities were called for in this behalf. Some States & Union Territories have responded but several have not responded.

We may in this connection refer to the recent report entitled 'Environmental Court Project' published on 18.2.2000 by a Research team at the Department of Land Economy, University of Cambridge, UK, headed by Prof. Malcolm Grant. (See Journal of Planning and Environment, May, 2000 p.453 titled 'The use for Environmental Courts'). The aim of the team was to explore the concept of an Environmental Court in the light of the experience in other jurisdictions and in Australia and New Zealand in particular. The concepts referred to in the Report are

- (a) a specialist and exclusive jurisdiction;

(b) a power to determine merits appeals;

(c) vertical and horizontal integration; by this is meant a wide environmental jurisdiction which integrates both subject matter and different types of legal proceedings;

(d) hall marks of a Court or tribunal;

(e) dispute resolution powers. It is pointed out that this Court extend to disputes over the formulation of policy as well as more traditional adjudication;

(f) expertise. the members would be specialist in environmental matters;

(g) access. there would be broad rights of access to the Court;

(h) informality of procedures - such as the use of alternative dispute resolution procedures;

(i) costs - this is linked to the need for access and involves means of overcoming the problem of high costs crihibifing access; or

(j) capacity for innovation.

The Report puts forward a proposal for a two-tier Environmental Court. The Court would have jurisdiction and powers including judicial review and civil procedure powers while dealing with environmental matters.

Inasmuch as most of the statutes dealing with Environment are by Parliament, we would think that the Law Commission could kindly consider the question of review of the environmental laws and the need for constitution of Environmental Courts with experts in environmental law, in addition to judicial members, in the light of experience in other countries. Point 5 is decided accordingly.

Point 6:

Learned counsel for the seventh respondent referred to the existence of several other industries within the 10 k.m. radius of the two reservoirs, which have been granted permission earlier. According to him, these industries are also polluting industries. In our view, the Environmental (Protection) Act, 1986 and the Water Act, 1974 and the Air Act, 1981 have enough provision applicable not only to new industries proposed to be established but also to existing industries.

The State of Andhra Pradesh is therefore directed hereby to identify these industries located within 10 K.M. radius of these two lakes and to take action in consultation with the A.P. Pollution Control Board to prevent pollution to the drinking water in these two reservoirs. The State and the Board shall not permit any polluting industries within the 10 k.m radius. A report shall be submitted to this Court by the State of Andhra Pradesh in this behalf within four months from today, in regard to the pollution or pollution potential of industries, if any, existing within 10 K.M. of the lakes. After the Report is received, the matter may be listed. Point 6 is decided accordingly.

In the result, the appeals are allowed. The judgment of the High Court and the order of the appellate authority under section 29 of the Water Act, 1974 are set aside and the order of the appellant Board refusing permission to the seventh respondent under section 25 of the Water Act is restored.

Before parting with the case, we acknowledge the excellent Reports submitted to this Court by the three expert bodies on the basis of scientific/technological research of a very high order. The amount of hard work done by these three bodies is commendable. But for these expert reports it would have been very difficult for this Court to resolve the complicated scientific issues involved in this case, with confidence. It will be open to the three expert bodies (1) National Environmental Appellate Authority, New Delhi (2) The University Department of Chemical Technology (Autonomous), Matunga, Bombay headed by Dr. Bhowmick and (3) The National Geophysical Research Institute, Tarnaka, Hyderabad, to submit their list of expenses or fee, if any, to the State of Andhra Pradesh, through the appellant Board. If any claims for monies are made, the same shall be paid by the State of Andhra Pradesh.

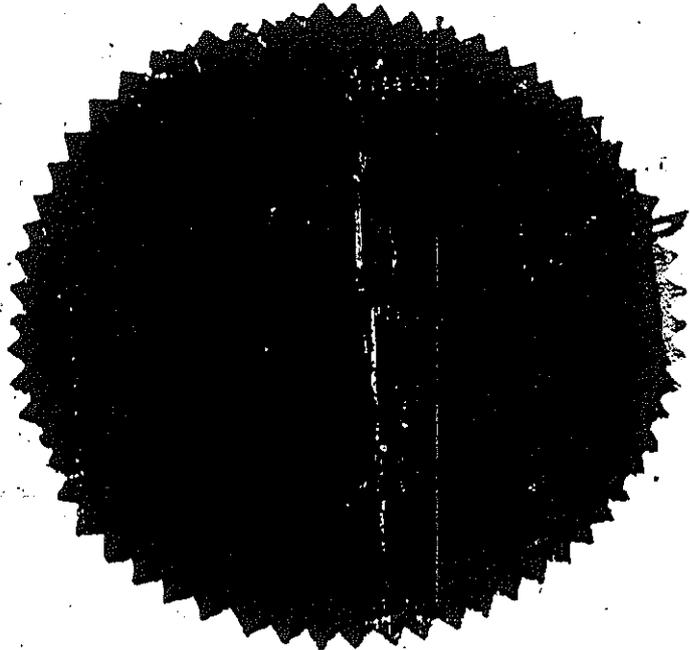
Appeals are allowed as stated above. No costs.

List the matter after 4 months, after the Report of the State of Andhra Pradesh as directed above, is received.

.....J.  
[M. JAGANNADHA RAO]

NEW DELHI:  
December 1, 2000.

.....J.  
[M. B. SHAH]



SEALED IN MY PRESENCE

*[Handwritten signature]*  
11/12/00

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Municipal Administration & Urban Development – HUDA – Outer Ring Road – Comprehensive Master Plan for 1 km belt on either side of the proposed Outer Ring Road (Hyderabad Outer Ring Road Growth Corridor) and Special Development Regulations – Approved - Orders- Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (I<sub>1</sub>) DEPARTMENT

G.O.Ms.No.

Dated: 09-07-2008

Read the following.

1. G.O.Ms.No. 391 MA & UD (I<sub>1</sub>) Dept. dt.23.06.1980
2. Govt. Lr.No.26378/I<sub>1</sub>/2005, dt.24.12.2005.
3. From the V.C. HUDA. Lr.No.15299/Plg/ H/05, dt.19-04-2006.
4. G.O.Ms.No.274, MA & UD (I<sub>1</sub>) Department dated.20.04.2007.
5. G.O.Ms.No.287, MA & UD (I<sub>1</sub>) Department dated.03.04.2008.
6. G.O.Ms.No.288, MA & UD (I<sub>1</sub>) Department dated.03.04.2008
7. Government Memo No.26379/I<sub>1</sub>/2005, dt.18-04-2007.
8. From the V.C. HUDA. Lr.No.15299/Plg/ORR/H/05, dt.30-05-2008.

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**ORDER:**

The appended notification shall be published in an Extra-ordinary issue of the Andhra Pradesh Gazette dated:11-07-2008.

The Commissioner of Printing, Hyderabad is requested to supply 50 copies to the Government.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**S.P.SINGH  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner of Printing, Stationary & Stores Purchase, Hyderabad.  
The Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad  
The Vice Chairman, Hyderabad Airport Development Authority, Hyderabad  
The Project Director, O.R.R. Tarnaka, Hyderabad  
The Commissioner, M.C.H., Hyderabad  
The District Collector, R.R. District, Hyderabad  
The District Collector, Hyderabad District, Hyderabad  
The PR & RD Department  
The TR & B Department.

//FORWARDED BY ORDER//

SECTION OFFICER

**APPENDIX  
NOTIFICATION**

Whereas the Hyderabad Urban Development Authority has taken up the development of proposed Outer Ring Road with a total length of 162 Kms and as the development of access controlled Outer Ring Road is likely to trigger large scale development along the Outer Ring Road Corridor, it was decided to undertake preparation of Comprehensive Development Plan with hierarchical road net work and frame Special Development Regulations for the areas falling under 1 Km belt on either side of Outer Ring Road so as to promote planned development and curb haphazard and ribbon development along the Outer Ring Road.

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And whereas, Hyderabad Urban Development Authority has prepared Comprehensive Plan and Special Development Regulations for the areas falling within the 1 Km belt on either side of the proposed Outer Ring Road (Hyderabad Outer Ring Road Growth Corridor) by modifying the Notified Revised Master Plan of Non-MCH area of HUDA (excluding the erstwhile MCH area and the newly extended area of HUDA) and Master Plan of HADA area and fresh Master Plan for the areas falling in extended HUDA area in Brahmanapally, Koheda, Pasumamla Tharamathipet, Bacharam, Thimmaiguda, Gowrelli and Vadagupalle villages to the extent of area covered by 1 Km stretch on either side of the proposed Outer Ring Road and submitted the same to the Government for approval.

And whereas, Government, after consideration of the matter, proposed to approve the Comprehensive Master Plan and Special Development Regulations as prepared by HUDA for the areas falling within the 1 Km belt on either side of the proposed Outer Ring Road in the form of modifications to the Notified Revised Master Plan of Non-MCH area of HUDA (excluding the erstwhile MCH area and the newly extended area of HUDA) and Master Plan of HADA area and fresh Master Plan for the areas falling in extended HUDA area in Brahmanapally, Koheda, Pasumamla, Tharamathipet, Bacharam, Thimmaiguda, Gowrelli and Vadagupalle villages in exercise of the powers conferred under section 12(2) of Andhra Pradesh Urban Area (Development) Act, 1975 read with rule 13(A) of Urban Development Authority (Hyderabad) Rules 1977 and section 9(1) of Andhra Pradesh Urban Areas (Development) Act, 1975.

Accordingly, a notification has been published in the Extraordinary issue of A.P. Gazette No.232, part-I dated 20-04-2007, as required under Andhra Pradesh Urban Areas (Development) Act, 1975 inviting objections and suggestions on the Comprehensive Master Plan and Special Development Regulations for the 1 Km belt on either side of the Outer Ring Road i.e., Hyderabad Outer Ring Road Growth Corridor.

And whereas, in response to the above notification, a number of objections/suggestions have been received from public with regard to certain land uses, road widths/alignments and on Special Development Regulations, these objection/suggestions were referred to and examined by the V.C., HUDA. After examining the above objections/suggestions, the V.C., HUDA has submitted the modified Master Plan and Special Development Regulations along with a report on the objections/suggestions to Government for approval.

Now, therefore, Government, after careful examination of the modified Draft Master Plan and Special Development Regulations submitted by V.C., HUDA and in exercise of the powers conferred by sub-section (2) of Section 12 and sub-section 1 of section 9 of A.P. Urban Areas (Development) Act, 1975 (Act-1 of 1975), hereby approve the Master Plan for Hyderabad Outer Ring Road Growth Corridor along with the Special Development Regulations specified in the Annexure to this order in the form of modifications to the Notified Revised Master Plan of Non-MCH area of HUDA (excluding the erstwhile MCH area and the newly extended area of HUDA) and Master Plan of HADA area and in the form Master Plan for the areas falling in the newly extended HUDA area in Brahmanapally, Koheda, Pasumamla, Tharamathipet, Bacharam, Thimmaiguda, Gowrelli and Vadagupalle villages.

The said Comprehensive Hyderabad Growth Corridor Development Plan and Special Development Regulations can be seen in the Office of the Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad during the office hours till such time these are printed and made available for public.

**S.P.SINGH**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

**Section Officer**

**Special Development Regulations for the  
Hyderabad Outer Ring Road Growth Corridor,  
1 KM Belt on either side of the ORR**

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**1. Short Title, Applicability & Commencement:**

These regulations may be called "Special Development Regulations for the Hyderabad Outer Ring Road Growth Corridor (ORR-GC)" and shall come into force from the date of notification in the Andhra Pradesh Gazette.

These regulations shall be applicable to all areas coming under the jurisdiction of the growth corridor (1 Km on either side of the outer edge of the Outer Ring Road Right-Of-Way).

These regulations shall apply to all development and building activity in the said area. All existing regulations, by-laws, orders that are in conflict or inconsistent with these Regulations shall stand modified to the extent of the provisions of these regulations for the said area.

All other regulations not mentioned here specifically will be read as per and with the earlier regulations in force.

**2. Definitions:**

- (i) **'Competent Authority'** means: the Vice Chairman of the Hyderabad Urban Development Authority (HUDA) / Hyderabad Airport Development Authority (HADA)
- (ii) **Enforcement Authority** means the Commissioner of Greater Hyderabad Municipal Corporation (GHMC) or the Executive Authority of the Gram Panchayat in case of areas outside GHMC/Vice Chairman of the Hyderabad Urban Development Authority / Hyderabad Airport Development Authority or a Special Unit created for the purpose of sanctioning and monitoring building and development activity.
- (iii) **ORR** means Outer Ring Road
- (iv) **ORR GC** means Outer Ring Road Growth Corridor. ('One Kilometer' on either side from the outer edge of the ORR Right of Way) and as per the areas given in Annexure.
- (v) **SDZ** means Special Development Zone of the ORRGC.
- (vi) **TDRs** mean Transferable Development Rights.  
"Transferable Development Right" (TDR) means an award specifying the built up area an owner of a site or plot can sell or dispose or utilize elsewhere, whose site or plot is required to be set apart or affected for a community amenity or development for public purpose in the Master Plan/Statutory Plan or in road widening or covered in recreational use zone, etc. and applicable only after such lands are vested with the local body/ Urban Development Authority as the case may be. The award would be in the form of a TDR Certificate issued by the Competent Authority.
- (vii) **High-Rise building** means a building 18 meters or more in height. However, chimneys, cooling towers, boiler, rooms/ lift machine rooms, cold storage and other non-working areas in case of industrial buildings and water tanks, and architectural features in respect of other buildings may be permitted as a non-High Rise building. Buildings less than 18 m including stilt floor/parking floor stand excluded from the definition of high-rise buildings.

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- (vii) **Height of building** means height measured from the abutting road and in case of undulated terrain height can be considered as average of the corresponding ground level or formation level of proposed site.
- (viii) **'Sanctioning Authority'** means: the Vice Chairman of the Hyderabad Urban Development Authority / Hyderabad Airport Development Authority /Cyberabad Development Authority or the Commissioner of Greater Hyderabad Municipal Corporation (GHMC)

Terms and expressions which are not defined in these Regulations shall have the same meaning as in the respective Regulations / regulations / by-laws of the respective local authorities and as defined in the National Building Code as the case may be, unless the context otherwise requires.

### 3. Special Development Zone (SDZ)

- (i) The Land Use of this entire zone is classified as Multipurpose Use Zone excluding the areas specifically earmarked for Roads, Open Space and Recreational, Transportation and Public Utilities and Amenities Zone. The uses permissible shall be given in Table 1.

No expansion of existing industries and no new industries shall be permitted. Warehousing, loading unloading, steelyards, whole sale open stocking, market yards, construction material stocking shall be permitted only in specified transportation zone. Existing industrial estates may remain part of the ORR GC as long as the industries are non-polluting and as certified by the State Pollution Control Board. No new polluting activity (industrial or otherwise) shall be permitted in the SDZ of the ORRGC.

For areas covered under G.O.Ms.No.111 MA dated 08.03.1996 (protection of Catchment area of Osmansagar and Himayatsagar lakes), the restrictions on building and development activity imposed in the said Government order would be applicable.

**Table 1** The categories of zoning shall be as follows:

Sr. No	Name	Constituent Uses permissible
1.	Special Development Zone	<ul style="list-style-type: none"> <li>• Residential (new growth as well as existing settlements)</li> <li>Commercial (Commercial activity shall be allowed at all locations only on roads 18 mtrs wide and above).</li> <li>• Social Infrastructure</li> <li>• Institutional</li> <li>• Work Centres excepting industries.</li> <li>• Any other non polluting non hazardous use not specified.</li> </ul>
2	Open Space, Recreational, Water Body	Regional Parks, green buffers, lakes, nallahs, reserve forests, plantation zones.
3	Transportation & Circulation	Roads, Parking areas, truck terminals, warehousing, whole sale market yards, stockyards of various materials including constructions material, loading unloading areas, any other specific non conforming uses.
4	Public Utilities and Amenities Zone	ities and amenities like police station, fire electric sub stations and other public utilities.

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- (ii) The ORRGC is characterised by two SDZs. SDZ 1 means the area within or inside the ORR (towards the City side) and within the ORRGC. SDZ 2 means the area outside the ORR (away from the City side) and within the ORRGC
- (iii) The same regulations shall apply to all areas abutting the radial roads connecting the ORR but falling within the ORR GC area only.
- (iv) No change of land use shall be allowed within the ORRGC.

#### 4. Development on Independent plots

Minimum developable independent plot size for Apartment Complexes and all other non-residential uses shall be 1000 sq mtrs with a minimum abutting road width of 12.2 Meters.

#### 5. Layout Development

- i) The minimum layout size for residential plotted development shall be 4 hectares. The lands covered by such a scheme shall be contiguous and approachable by an existing black topped road 12.2 mtrs wide and where such a road does not exist the developer shall first provide the same at own cost.
- (ii) Owners of sites less than 4 hectares have to come together and jointly apply as one contiguous parcel of land so as to conform to the minimum land area or allowed to undertake development as given in (ii) below.

The layout proposals shall provide for the following:

- (a) Comply with the hierarchy of road network requirements subject to a minimum internal road width of 9 mtrs;
- (b) Earmark minimum of 10 % of total area for parks, playgrounds, open spaces, out of which minimum 5 % shall be local level open spaces and remaining minimum 5 % shall be area-level open spaces. The Competent Authority has the discretion to combine two or more area-level open spaces to form one large contiguous area-level open space and to this effect exchange of the areas earmarked for plots with the above.
- (c) Reservation of 5% of total area for EWS Housing.
- (d) Reservation of 5% of total area to be given free of cost to HUDA/HADA for disposal for residential/commercial use
- (e) Earmark 2.5% for social infrastructure such as schools, dispensary/hospital, public utilities spaces, shopping centres and other community spaces which is part of the saleable area;
- (f) Earmark specific sites for bus stands, auto stands, garbage collection points, etc.
- (g) 5 % of the total land is earmarked for Lower Income Group (LIG) Housing with maximum plot size upto 100 sqm
- (h) 5 % of the total land is earmarked for Middle Income Group (MIG) Housing with maximum plot size upto 200 sqm
- (i) The owner shall develop and dispose of the areas earmarked for LIG and MIG given in (f) and (g) above. No amalgamation of plots in such blocks shall be allowed.
- (j) The owner shall be entitled to dispose off the non-reserved sites and non-mortgaged sites either as plots or as developed houses/buildings. The owner shall hand over all the above reserved sites at (b) to (d) to HUDA/HADA free of cost through a gift deed.
- (k) HUDA/HADA shall have the discretion of grouping the areas surrendered for LIG/EWS Housing at one place or elsewhere and disposing the area earmarked for EWS in the layout as normal building plots.

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- (l) Residential enclaves may be permitted only if a through public road of width is developed at any one side of the periphery (if there is no such existing road) for the convenience of accessibility of other sites and lands located in the interior.
- ii) For lands less than 4 hectares in size, apartments, cluster housing, residential enclaves, row housing, high-rise residential buildings will be permitted. In such type of developments in sites 4000 sq m and above:
  - (a) At least 5 % of the total dwelling units shall be developed for EWS dwelling units with a minimum plinth area of 20 sq m for each unit
  - (b) At least 5% of the total dwelling units shall be developed for LIG dwelling units with a maximum plinth area of 40 sq m for each unit;
  - (c) At least 5% of the total dwelling units shall be developed for MIG dwelling units with a maximum plinth area of 60 sq m for each unit.
  - (d) The areas mentioned in (a) to (c) above, shall be allotted/disposed off only for these categories. No amalgamation of units shall be allowed.

The remaining provisions of G.O.Ms.No. 86 MA dt. 3.32006 shall be applicable in such cases.

#### 6. ORR Buffer Zone

All properties abutting the ORR will mandatorily have an open buffer (minimum building setback) of 15 mtrs from the ROW outer edge. Access will not be allowed onto the service roads of the ORR directly. No projections, permanent, semi permanent structures will be allowed within this setback. No hoardings, billboards, Uni-poles and related advertising structures, telecom towers, transformers, machinery, dish antennae or related structures shall be allowed within this setback. No stairs (temporary or permanent), ramps for parking or other purposes shall be permitted within the common building line. The area within this common building shall be considered part of the mandatory open space. The area within the Common Building line shall be planted and maintained with at-least two rows of thick foliage trees.

#### 7. Common Building line

- i) All sites abutting the ORR and **Radial roads** within the ORRGC shall have a common building line (minimum setback) of 10 mtrs. Parking shall be allowed within this minimum front setback and this area shall be considered as part of the mandatory open space. Direct access to the radial roads shall be allowed only through service roads through designated points only and not directly on to the ORR or Radial Road. No property shall open directly onto the ORR or radial road.
- ii) All sites abutting 36 mtrs wide roads shall have a common building line of 7 mtrs (minimum setback).
- iii) All sites abutting 30 mtrs wide roads shall have a common building line (minimum setback) of 9 mtrs.

#### 8. Restrictions of building activity in certain areas:

- (i) No building/ development activity shall be allowed in the bed of water bodies like rivers, streams, or nallahs, and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta / shikham lands.

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(ii) The above water bodies and courses shall be maintained as recreational/Green buffer zone, and no building activity other than recreational use shall be carried out within:

- (a) 30 meters from the boundary of Lakes of area 10 Ha and above;
- (b) 9 meters from the boundary of lakes of area less than 10 Ha / kuntas / shikham lands;
- (c) 9 meters from the boundaries of Canal, Vaagu, etc.
- (d) 2 meters from the defined boundary of Nallah.

the above shall be in addition to the mandatory setbacks.

Unless and otherwise stated, the area and the Full Tank Level (FTL) of a lake / kunta shall be reckoned as measured or given in the Survey of India topographical maps/Irrigation Dept.

(iii) Unless and otherwise specified in the Master Plan / Zonal, Development Plan,

- (a) the space to be left in and around the Canal / Vaagu (including the actual Canal / Vaagu bed width and alignment) shall be minimum 15 m. This may be developed as Green Buffer/recreational and/or utilised for road of minimum 9m width, wherever feasible.
- (b) In case of above, in addition to development of recreational/green belt along the foreshores, a ring road or promenade of minimum 12.2 m may be developed, wherever feasible.
- (c) The above greenery/landscaping and development shall conform to the guidelines and provisions of the National Building Code of India, 2005.
- (d) Notified Wetlands shall not be allowed to leveled or built upon. The mixed use shall not be applicable in such areas.
- (e) For Building activity within the restricted zone near the airport or within 500 m distance from the boundary of Defence areas / Military establishments, necessary clearance from the concerned Airport Authority / Defence Authority / shall be obtained. For sites located within the Air Funnel zone, prior clearance from the Airport Authority shall be obtained. .
- (f) In case of sites in vicinity of High Tension Electricity transmission lines besides taking other safety precautions, a minimum safety distance (both vertical and horizontal) of 3 m (10 ft.) shall be maintained between the buildings and the High Tension electricity lines, and 1.5 m for Low Tension Electricity lines.
- (g) In case of sites in the vicinity of oil/gas pipelines, clearance distance and other stipulations of the respective authority shall be complied with.

9. **Other requirements for buildings and compliance** of National Building Code provisions for amenities and facilities in all high rise buildings, compliance by owner for ensuring construction is undertaken as per sanctioned plan, occupancy certificate, enforcement, licensing of real estate companies, developers, builders, town planners, engineers & other technical personnel mandatory as given in the GO Ms no 86 MA dtd 3.3.2006 and its subsequent amendments shall be complied with.

10. The minimum abutting road width and all round open space for all high rise buildings (18 mtrs and above in height) shall be as follows:

...6.

Table 2 Height and Setbacks for High-Rise Buildings within ORR-GC

<i>Height of building</i>	<i>Minimum abutting road width required ( in meters)</i>	<i>Minimum open space on remaining sides (in meters)</i>
18 metres & Up to 21 mtrs	12.2	8
Above 21 mtrs. & up to 24 mtrs	12.2	9
Above 24 mtrs & up to 27 mtrs	18	10
Above 27 mtrs & up to 30 mtrs	18	11
Above 30 mtrs & up to 35 mtrs	24	12
Above 35 mtrs & up to 40 mtrs	24	13
Above 40 mtrs & up to 45 mtrs	24	14
Above 45 mtrs & up to 50 mtrs	30	15
Above 50 mtrs	30	17

- *For all buildings more than 50 mtrs height for every 3 mtrs height or part thereof, there shall be an additional setback of 0.5 mtrs on each of the remaining sides.*
- *For all buildings less than 18 mtrs height the minimum setbacks given in GO Ms No. 86 MA dt. 3.3.2006 and its subsequent amendments shall be applicable.*
- *Subject to maintaining the Common Building line, Tower and Podium type building, U-Shaped building and Stepped type high-rise buildings may be allowed. These shall comply with the remaining provisions of G.O.Ms. No. 86 MA dated 03.03.2006.*
- *In case of two or more high rise building blocks in a site, the space between two blocks shall be half the height of the taller building subject to 12.2 metres whichever is less. The space between two high rise blocks, or space between a block and the boundary of the site, can be used as driveway/access for fire fighting vehicles. Such driveway shall be minimum 6 m wide and suitably paved. Rest of the area shall be developed with greenery/landscaping.*

11. These regulations impose no specific restrictions on Gramakantam Areas. All **Gramakantams / Abaadi** areas will follow the provisions of GO Ms no 86 MA dt. 03.03.2006.

#### 12. Recreation Zone

Recreational zone is earmarked as regional parks, green buffer zones along nallahs and abutting water bodies, bio conservation zone, afforestation zone wherein no construction shall be allowed except such of which are incidental to the main use.

#### 13. Public Utilities and Amenities Zone

This zone shall be used as multipurpose spaces especially reserved for city level infrastructure & public utilities and amenities like police station, fire station, electric sub stations and other public utilities.

#### 14. Transportation Zone

This zone shall be used as truck parking lots, bus terminus, warehousing, loading unloading, steelyards, whole sale open stocking, market yards/whole sale market yards, parking areas, stockyards of various materials including constructions material, loading unloading areas, and accessory uses/facilities for the main use.

In respect of zones mentioned in regulations 12 to 14 above, development may be allowed as a joint-development project/ Public-Private Partnership project and on terms and conditions approved by the Competent authority..

#### 15. Grant of Transferable Development Rights

Grant of Transferable Development Right (TDRs) and other concessions in the form

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of certificates will be considered by the Competent Authority as given in the provisions of G.O.Ms. 86 MA&UD Deptt. Dt. 03.03.2006 and amendments issued from time to time.

### 16. Special Impact Fees Applicable in the ORR GC

With a view to ensuring development of ORR and related facilities Special Impact Fees is levied in the ORRGC on buildings. For this purpose, buildings are categorized as follows:

#### (A) FOR BUILDING HEIGHTS UPTO 15 Meters (Rate in Rupees per sq m of built up area)

Use	Building Height	Zone A		Zone B		Zone C	
		SDZ 1	SDZ 2	SDZ 1	SDZ 2	SDZ 1	SDZ 2
Residential and all other non-commercial uses	Upto 10 metres	150	100	100	80	80	60
	Above 10 meters and upto 15 metres	200	150	150	100	100	80
Commercial, ITES	Upto 10 metres	300	200	200	150	150	100
	Above 10 meters and upto 15 metres	400	300	300	200	200	150

#### (B) FOR BUILDING HEIGHTS ABOVE 15 METRES

Stretch of ORRGC		Rate of Special Impact Fee leviable
Zone A (From Muttangi Junction on NH9 to Bongalur Junction, on Nagarjuna Sagar Highway)	SDZ 1	1.50 times the rate given in Table in Rule 17 of GOMs No. 86 MA dt 3.3.06
	SDZ 2	1.40 times the rate given in Table in Rule 17 of GOMs No. 86 MA dt 3.3.06
Zone B (From Bongalur Junction, on Nagarjuna Sagar Highway to Shamirpet – Upparpalli Junction, on Karimnagar Highway)	SDZ 1	1.30 times the rate given in Table in Rule 17 of GOMs No. 86 MA dt 3.3.06
	SDZ 2	1.20 times the rate given in Table in Rule 17 of GOMs No. 86 MA dt 3.3.06
Zone C (From Shamirpet – Upparpalli Junction, on Karimnagar Highway to Muttangi Junction on NH9)	SDZ 1	1.10 times the rate given in Table in Rule 17 of GOMs No. 86 MA dt 3.3.06
	SDZ 2	Same as rates Table in Rule 17 of GOMs No. 86 MA dt 3.3.06

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Note:

- (a) No other Impact fees shall be levied.
  - (b) The above charges are applicable to the total built up area (in sq metres)
  - (c) The above charges are not leviable to parking areas in stilt, cellar and upper floors of building.
  - (d) The above rates are telescopic.
  - (e) SDZ 1 means the area within or inside the ORR (towards the City side) and within the ORRGC. SDZ 2 means the area outside the ORR (away from the City side) and within the ORRGC
  - (f) The above rates in Category (A) of the Table shall not be applicable to buildings in Gramakantam/ Aabadi areas
  - (g) Alternatively, the owner may be allowed to utilize TDR given in Rule 15 above, for such built up area to the extent permissible wholly or use the same in combination of both TDR and the impact fee for the proposed additional built up area that is permissible under these Rules provisions. The government may revise the above rates from time to time.
  - (h) The above provisions shall not be applicable for Government Departments and public agencies like the Urban Development Authority, Andhra Pradesh Industrial Infrastructure Corporation, local bodies, Hyderabad Metropolitan Water Supply and Sewerage Board, APHB, AP CPDCL, etc.
  - (i) The amount levied and collected under above Rule shall be credited and maintained in a separate escrow account by the competent authority and shall be utilised only towards Outer Ring Road capital infrastructure. An Infrastructure Plan and Action Plan for implementation is required to be undertaken by the Competent authority and the said Fund is utilised accordingly.
- (i) Development charges & Processing fee shall be as being charged in HUDA/HADA area currently.

#### 17. Development Deferment Charge:

With a view to discourage owners of sites for keeping the sites vacant/undeveloped, a Charge called Development Deferment Charge shall be levied by the local body/gram panchayat at the following rates:

- (a) 1<sup>st</sup> year grace period from the date of notification of these Regulations
- (b) 2nd Year from the date of notification Rs. 2/- per sq mtr of land per year.
- (c) 3rd Year from the date of notification Rs. 5/- per sq mtr of land per year.
- (d) from the date of operationalisation of traffic on ORR 10/- per sq mtr of land per year.

#### 18. Incentives for large projects

Incentives for large projects are as follows:

- (a) **Large integrated townships**
  - i. **40-100 acres-** 10% discount on rates as given in regulation 16 above
  - ii. **100-200 acres-** 20% discount on rates as given in regulation 16 above
  - iii. **Above 200 acres-** 25% discount on rates as given in regulation 16 above
- (b) **IT/ITES projects, Education Institutions/Universities, Hospitals**
  - i. For all projects above 50 acres there shall be a 20% discount on rates as given in regulation 16 above
  - ii. For all projects above 100 acres- 30 % discount on rates as given in regulation 16 above

**19. Reservation of land for special purposes to be handed over to HUDA**

All projects 10 acres and above shall necessarily reserve 5% land and hand it over to HUDA for special purposes. In respect of layouts this shall not be applicable and the conditions mentioned in Regulation 5 (ii) (c) shall be applicable.

**20. Transportation and Roads**

The road circulation network hierarchy within the ORRGC is proposed to be 9m, 12.2m, 18m, 24m, 30m, 36m, 45m. The main spinal roads will be the 30m and 36 m wide roads. Splay at all road junctions shall be mandatorily provided as prescribed in Annexure III.

- (i) Bus bays shall be earmarked on the detailed and micro level circulation plan.
- (ii) Separately parking areas for para-transit vehicles shall be earmarked within the road ROW preferably utilising part of the 3m wide footpaths for single row parallel parking.
- (iii) One lane may be used as a dedicated bus way for public transport in the six lane divided carriageway of the main 30 mtrs wide spinal roads.
- (iv) Storm water drains shall be provided as part of the road ROW while development of the site/layout/township.
- (v) All roads shall be developed as per cross section details given in (Horizontal and Vertical sections and dimensions).

**(vi) Restriction of development in areas earmarked as major Junctions**

The land within the junction shall be kept as open. Only open recreational uses, parks and greenery shall be permissible. No building activity excepting ancillary structures to recreational open space shall be allowed within the area earmarked as road junctions.

**21. Parking requirements**

Shall comply with the requirements as given in G.O.Ms.No.86 M.A. & U.D. Department, dated 03.03.2006 and its subsequent amendments.

**22. Footpaths**

- (i) All footpaths have to be provided as given in the road cross sections given in Annexure
- (ii) The footpaths shall not be encroached upon by stairs, amenities, and other structures at any place and shall be summarily removed by the competent authority on notice.

**23. Special features for Physically Challenged/Special persons/senior citizens**

- (i) All public buildings to have ramps of appropriate slope as per NBC
- (ii) All footpaths to have ramps of appropriate slope/gradient as per NBC and at a distance of every 200 mtrs.
- (iii) The competent authority shall monitor these and enforce implementation and also propose specific guidelines from time to time.

**24. Urban Design and Architectural Control**

For certain areas as well as sites abutting major roads of 30 mt and above, the competent authority/Sanctioning Authority may enforce urban design and architectural/facade control. These shall be detailed out keeping in view the development conditionalities and requirements given in these Regulations and the National Building Code norms. For this purpose, urban design and architectural control sheets/plans approved by the Competent Authority shall be complied with. Signage control and street landscape, street furniture design regulation shall be designed and implemented/exercised/managed by the competent authority within the ORRGC. The guidelines shall be as given by the competent authority and/or based on the National Building Code of India, 2005.

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Hoardings, Billboards, Uni-poles and related advertising structures, telecom towers, machinery, dish antennae or related structures shall be allowed on the main roads of only 30 mtrs and above. For signage regulation the competent authority shall have the discretion and may frame guidelines for the same. The same may be the case for street/public space landscaping, street furniture design.

Regulation of all such Hoardings, Billboards, Uni-poles and related advertising structures and the revenue accrued from these shall vest with the Competent Authority only and kept in the escrow account mentioned in Regulation 16 (i). The sharing of revenue from these between the local body and the competent authority shall be as decided by the Government.

#### **25. Digital Plans**

In an endeavor to make the approval and archiving process digital it is proposed that all building, layout, townships drawings be submitted in digital format after georeferencing it (preferably in .shp, .tab, .dxf file formats). This shall be undertaken by using the accurate GPS/DGPS technology and utilising the services of professionally and technically qualified land surveyors. The digital drawings shall include all cross sections and engineering details and the whole dataset shall be submitted in a CD format to the competent authority. The same shall be overlaid on the latest satellite data for instant updation and proper urban management later on. This digital set shall be over and above the hard copies as per currently prescribes format which are mandatory for plan approval process.

#### **26. Special Unit for approval of cases in ORRGC:**

A Special Unit shall be constituted for dealing with applications for permission to develop/undertake building constructions in the ORRGC and enforcement in the ORRGC as per the procedure prescribed by the Competent Authority.

#### **27. Grounding of the Circulation network:**

The Competent Authority shall undertake the marking of the proposed circulation network within the ORRGC area on ground and complete the same within three months from the date of issue of these Regulations.

#### **28. Directions by Government**

- (i) Government may issue separate orders constituting a Committee for examining development related issues of Growth Corridor.
- (ii) Government may issue guidelines for implementation issues relating to the Growth Corridor and these Regulations from time to time.

**S.P.SINGH**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

**SECTION OFFICER**

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Industries & Commerce Department – Shifting of Polluting Industries (Compulsory) and non-polluting Industries (Optional) from within the Outer Ring Road (ORR) to outside ORR – Guidelines on utilization of the land falling within Industrial Estates after shifting of Industries – Orders – Issued.

INDUSTRIES & COMMERCE (INF) DEPARTMENT

G.O. Ms.No: 20

Dated: 01.03.2013.

Read the following:-

1. Record of discussions held with the representatives of Industry Associations and Industrial Area Associations on 24-3-2012.
2. G.O. Rt. No. 508, Ind. & Com. (INF) Dept., Dt. 28.07.2012.
3. M.A. & U.D. (UD) Dept. File C.No.21344/1/2009.

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ORDER:

In the reference 1<sup>st</sup> read above, a Meeting was convened on 24.03.2012 with the representatives of Industry Associations and Industrial Area Associations to discuss the issues related to the shifting of polluting industries from Greater Hyderabad Municipal Corporation (GHMC) areas to outside the Outer Ring Road (ORR) and some decisions were taken regarding Shifting of industries from GHMC areas to outside the Outer Ring Road (ORR), Development of New Industrial Areas outside Outer Ring Road (ORR), Land use conversions in the existing Industrial Areas and Status of Industrial Area Local Authorities (IALA).

2. In pursuance to the decisions taken in the meeting held on 24.03.2012, a Committee was constituted chaired by the Commissioner of Industries, A.P., Hyderabad to identify the polluting industries located inside Outer Ring Road (ORR), vide G.O. 2<sup>nd</sup> read above.

3. After careful examination of the matter, Govt. have taken a decision to shift the polluting industries (compulsory) and non-polluting industries (optional) from within the Outer Ring Road (ORR) to outside Outer Ring Road and to issue the following guide lines on utilization of land after shifting of Industries:-

(1) Development of New Industrial Areas Outside Outer Ring Road:

- (a) 45 locations have been identified outside the Outer Ring Road (ORR) which will be notified as Industrial use areas in the Master Plan of Hyderabad Metropolitan Development Authority (HMDA). These areas can be developed either by the A.P. Industrial Infrastructure Corporation (APIIC) or by Private Developers into Industrial Estates in a phased manner;
- (b) Preference to be given by A.P. Industrial Infrastructure Corporation to develop product specific estates to provide suitable and relevant infrastructure in these Estates;
- (c) Adequate infrastructure including buildings with plug-and-play facilities may be developed by the A.P. Industrial Infrastructure Corporation; and
- (d) All around these proposed estates, buffer green belt Zone at least 500 Meters width will be developed to prevent future environmental problems in the adjacent areas.

(2) Land use conversions in the Existing Industrial Areas:

- (a) Multiple land use is not permitted in the existing industrial areas till all the industries are shifted from the industrial area; and
- (b) Where existing industries have shifted from Industrial areas to outside ORR, plots of 10 acres or more abutting the High-ways may be allowed to develop commercial and residential lay outs after they provide minimum 100 Meters, green-belt zone to separate the industries that may exist on the remaining three sides.

(P.T.O)

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(3) Status of Industrial Area Local Authorities (IALA):

- (a) The Industrial Area Local Authority in the existing industrial area will be continued till at least 50% of the area is under occupation of Industries;
- (b) In the Industrial Area Local Authority, only industry members should have voting rights;
- (c) Industrial Area Local Authorities and Industry representatives to be given opportunity to represent their case at the time of revision of Property Tax; and
- (d) Whenever necessary and feasible, Industrial Area Local Authorities to be permitted to develop and run Common Effluent Treatment Plants (CETP) by providing assistance under Industrial Infrastructure Development Fund (IIDF).

4. The Vice Chairman & Managing Director, AP Industrial Infrastructure Corporation Ltd., (APIIC), Hyderabad/ Metropolitan Commissioner, Hyderabad Metropolitan Development Authority / Member Secretary, AP Pollution Control Board shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. PRADEEP CHANDRA  
PRINCIPAL SECRETARY TO GOVERNMENT AND  
COMMISSIONER FOR INDUSTRIAL PROMOTION

To  
The Vice Chairman & Managing Director, APIIC, Hyderabad.  
The Metropolitan Commissioner., Hyderabad Metropolitan Development Authority.  
The Member Secretary, AP Pollution Control Board, Hyderabad.  
The Municipal Administration & Urban Development Dept.  
The Environment, Forest, Science & Technology Dept.  
The Commissioner of Industries, A.P., Hyderabad.

Copy to  
The Commissioner, Greater Hyderabad Municipal Corporation (GHMC).  
The General Manager, District Industries Centre, RR Dist;  
The General Manager, District Industries Centre, Hyderabad.  
The General Manager, District Industries Centre, Sangareddy, Medak.  
Copy to FAPCCII/ FAPSA/CII/ASSOCHAM through COI, Hyd.

//Forwarded::By order//

SECTION OFFICER

**GOVERNMENT OF TELANGANA  
ABSTRACT**

**Shifting of industries from within Outer Ring Road (ORR) to Outside Outer Ring Road - Permitting certain industries located within ORR - Amendment Orders - Issued.**

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**INDUSTRIES & COMMERCE (IP & INF) DEPARTMENT**

G.O.Ms.No. 4

Dated: 20.01.2018  
Read the following:-

1. G.O. Ms. No.20, Industries and Commerce (IP&INF) Dept., dt.01.03.2013.
2. TSPCB letter no.97/TSPCB/Gen/Go Ms No 20/2016-741, dt.14.06.2016.
3. Circular No: 97/TSPCB/Gen/GO Ms.20/2016-1533, dt.20.09.2016 issued by TSPCB.
4. TSPCB letter no.1/TS-iPASS/CFO/Lantech/2016-24, dt.01.04.2017.
5. Memo No. 1725/IP & INF/A1/2017 Industries and Commerce (IP&INF) Dept., dt.28.07.2017.
6. Minutes of the meeting held on 16.11.2017 in the Chambers of Principal Secretary to Govt., EFS&T Dept.

**ORDER:**

In the reference 1<sup>st</sup> read above, Industries & Commerce department has issued Government Order, to shift polluting industries (compulsory) and non-polluting industries (optional) from within the Outer ring road (ORR) to outside Outer ring road.

2. In the reference 2<sup>nd</sup> read above, the Telangana State Pollution Control Board (TSPCB) has requested the Industries & Commerce department, Government of Telangana to issue necessary clarifications for processing of CFE/CFO applications filed for establishment and operation of new polluting and non-polluting industries and expansion of existing polluting and non-polluting industries with in ORR.

3. Further, the Member Secretary, Telangana State Pollution Control Board has informed that in its 4<sup>th</sup> Board Meeting held on 18.01.2017, vide Resolution No.76 has constituted a Sub-Committee headed by the Secretary, MA&UD and comprising of the Commissioner of Industries or his nominee, the Member Secretary PCB, representative of Telangana Industrialist Federation along with the Commissioner HMDA as special invitee to review case by case all the pending cases, falling under G.O.Ms.No.20, dt.01.03.2013.

4. In the reference 4<sup>th</sup> read above, the recommendations of the Committee, the Board has requested the Industries Department to take necessary action to amend G.O.Ms.No.20, dt.01.03.2013 permitting the following Red & Orange category of industries based on their service potential and pollution load, within Outer Ring Road with condition that the industries shall adopt best available technologies for control of pollution. They shall provide facilities to attain Zero Liquid Discharge (ZLD)/ 100% Recycle of treated waste water, usage of cleaner fuels, provide Scrubbers / Bag filters / ESPs for control of air pollution and take measure to control the odour.

**Red Category:**

- i. Isolated storage of hazardous chemicals (LPG storage only).
- ii. Automobile manufacturing units (Engineering units).
- iii. Airports and Commercial air Strips, having discharge more than 100 KLD
- iv. Health-care Facilities (as defined in BMW Rules) having total wastewater generation more than 100 KLD / having incinerator
- v. Hotels having overall wastewater generation @ 100 KLD and more.
- vi. Railway locomotive work shop / integrated road transport workshop / authorized service centers.
- vii. Jetties and dredging operations
- viii. Slaughter house (existing only)

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- ix. Building and construction project more than 20,000 Sq.m built up area having discharge more than 100 KLD.
- x. R&D (Bulk Drug and Bulk Drug Intermediates, not for commercial purpose), capacity not exceeding 1Kg/day for all the products.

**Orange Category:**

- i. Bakery and confectionery unit with production capacity > 1 TPD (with Ovens / furnaces)
- ii. Chanachur and ladoo from puffed and beaten rice (muri and shira) using husk fired oven.
- iii. Compact disc computer floppy and cassette manufacturing / Reel manufacturing.
- iv. Food and food processing including fruits and vegetable processing
- v. Silk screen printing, sari printing by wooden blocks.
- vi. Almirah, Grill manufacturing (Dry Mechanical process)
- vii. Automobile servicing, repairing and painting (excluding only fuel dispensing).
- viii. Ayurvedic and homeopathic medicine
- ix. Building and construction project more than 20,000 Sq.m built up area having discharge less than 100 KLD.
- x. Dairy and dairy products (small scale - capacity not exceeding 1000 Ltrs/day).
- xi. DG set of capacity >1 MVA but < 5MVA.
- xii. Manufacture of Beer (Micro breweries).
- xiii. Gravure printing, digital printing on flex, vinyl .
- xiv. Hotels (<3 star) or hotels having >20 rooms and less than 100 rooms
- xv. Ice Cream.
- xvi. Mechanized laundry using oil fired boiler.
- xvii. New highway construction project.
- xviii. Printing Press.
- xix. Tyre retreading only.
- xx. Dry cell battery (excluding manufacturing of electrodes) and assembling and charging of acid lead batteries on micro scale. .
- xxi. Pharmaceutical Formulation and for R&D purpose (for sustained release/ extended release of drugs only and not for commercial purpose). Capacity not exceeding 1 Kg/day for all the products.
- xxii. Airports and Commercial air Strips, having discharge less than 100 KLD

5. In the reference 5<sup>th</sup> read above, keeping in view of the Board's Committee report and in consultation of Law Dept., the Government (Industries and Commerce (IP&INF) Dept.,) has issued Memo dated 28.07.2017 which states that:

- a. Existing Industries which comply with the requirement of G.O.Ms.No.64, EFS & T Dept, dated 25.07.2013 can be permitted to be continued till the new Industrial Area outside ORR are developed and business conditions and other business advantages that they enjoy at the present locations are suitably created in the new locations.
- b. A Committee with Senior Officers of Industries Department, Pollution Control Board and representatives of industry Associations will be constituted to monitor the above provision.

6. Further, in the meeting held in the Chambers of Principal Secretary to Govt., EFS&T Dept., on 16.11.2017 the Member Secretary, TSPCB has informed that the Government Memo issued vide reference 5<sup>th</sup> read above, does not clearly specify permitting establishment of new industries or expansion of the existing industries including Pharma units as permitted under G.O.Ms.No.64, dt.25.07.2013 and also explained that the Board has been receiving several applications /representations from the industries for new and expansion within outer ring road. However, these

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application are not being considered as the memo has not clearly mentioned on permitting new or expansion of industries within ORR.

7. In the reference 6<sup>th</sup> read above, the meeting was held on 16.11.2017 in the chambers of the Principal Secretary to Government, Environment, Forest, Science & Technology Department with the Principal Secretary to Govt & CIP, Industries & Commerce Department & Member Secretary, TSPCB, the matter was discussed in detailed and recommended for amendment to G.O.Ms.No.20, Ind & Com (IP) Dept, Dated: 01.03.2013 on the following:

- a. The existing Bulk Drug & Intermediate industries located within ORR and intend to go for expansion may be permitted with ZLD system in compliance with G.O.Ms.64, EFS&T Dept, dt.25.07.2013 and continue to operate duly obtaining valid Consents of TSPCB till the new industrial area outside ORR are developed and business conditions and other business advantages that they enjoy at the present locations are suitably created in the new locations.
- b. The Red category (except Sl.No. viii) and Orange Category of industries which are listed above may be permitted to establish, expand and continue duly obtaining valid Consents of TSPCB within ORR till the new industrial area outside ORR are developed and business conditions and other business advantages that they enjoy at the present locations are suitably created in the new locations.
- c. Existing Red Category (Sl.No. viii) industries i.e., Slaughter houses may be permitted to continue duly obtaining valid Consents of TSPCB within ORR.

8. The Government after Careful examination in the matter hereby decide to exempt following industries under G.O.Ms.No.20, Industries and Commerce (IP & INF) Dept, dated 01.03.2013 to enable operation and expansion of existing industries within ORR.

- a. The existing Bulk Drug & Intermediate industries located within Outer Ring Road (ORR) and intend to go for expansion may be permitted with ZLD system in compliance with G.O.Ms.64, EFS&T Dept, dt.25.07.2013 and continue to operate duly obtaining valid Consents of TSPCB till the new industrial area outside ORR are developed and business conditions and other business advantages that they enjoy at the present locations are suitably created in the new locations.
- b. The Red category (except Sl.No. viii) and Orange Category of industries which are listed above may be permitted to establish, expand and continue duly obtaining valid Consents of TSPCB within Outer Ring Road (ORR) till the new industrial area outside Outer Ring Road (ORR) are developed and business conditions and other business advantages that they enjoy at the present locations are suitably created in the new locations.
- c. Existing Red Category (Sl.No. viii) industries i.e., Slaughter houses may be permitted to continue duly obtaining valid Consents of Telangana State Pollution Control Board (TSPCB), within Outer Ring Road (ORR).

9. Accordingly, the Principal Secretary to Government, Environment, Forest, Science & Technology Department and the Member Secretary, Telangana State Pollution Control Board (TSPCB), Hyderabad shall take further necessary action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

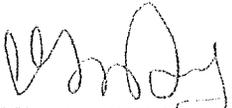
**JAYESH RANJAN  
PRINCIPAL SECRETARY TO GOVERNMENT AND  
COMMISSIONER FOR INDUSTRIAL PROMOTION (FAC)**

To  
The Principal Secretary to Government, Environment, Forest, Science & Technology Department.

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The Principal Secretary to Government, MA&UD Dept.,  
The Member Secretary, TS Pollution Control Board, Hyderabad.  
The Commissioner of Industries, TS., Hyderabad.  
The Vice Chairman & Managing Director, TSIC, Hyderabad.  
The Metropolitan Commissioner., Hyderabad Metropolitan Development Authority.  
The Municipal Administration & Urban Development Dept.  
Copy to  
The Commissioner, Greater Hyderabad Municipal Corporation (GHMC).  
The General Manager, District Industries Centre, RR Dist;  
The General Manager, District Industries Centre, Hyderabad.  
The General Manager, District Industries Centre, Sangareddy, Medak.  
SF/SC

//Forwarded::By order//

  
SECTION OFFICER

GOVERNMENT OF TELANGANA  
ABSTRACT

Shifting of industries from within Outer Ring Road (ORR) to Outside Outer Ring Road - Permitting certain industries located within ORR - Addendum to G.O.Ms.No.4, Industries and Commerce (IP & INF) Department, Dated 20.01.2018-Orders - Issued.

INDUSTRIES & COMMERCE (IP & INF) DEPARTMENT

G.O.Ms.No.45

Dated: 30.07.2018  
Read the following:-

1. G.O. Ms. No.20, Industries and Commerce (IP&INF) Dept., dt.01.03.2013.
2. TSPCB letter no.97/TSPCB/Gen/Go Ms No 20/2016-741, dt.14.06.2016.
3. Circular No: 97/TSPCB/Gen/GO Ms.20/2016-1533, dt.20.09.2016 issued by TSPCB.
4. TSPCB letter no.1/TS-iPASS/CFO/Lantech/2016-24, dt.01.04.2017.
5. Memo No. 1725/IP & INF/A1/2017 Industries and Commerce (IP&INF) Dept., dt.28.07.2017.
6. Minutes of the meeting held on 16.11.2017 in the Chambers of Principal Secretary to Govt., EFS&T Dept.
7. G.O. Ms. No.4, Industries and Commerce (IP&INF) Dept., dt.20.01.2018.
8. TSPCB letter no.97/TSPCB/Gen/G.O.Ms.No.20/2016-434, dt.02.05.2018.

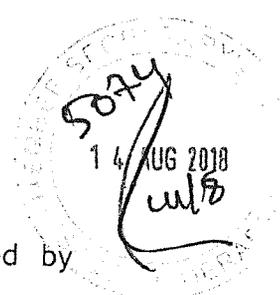
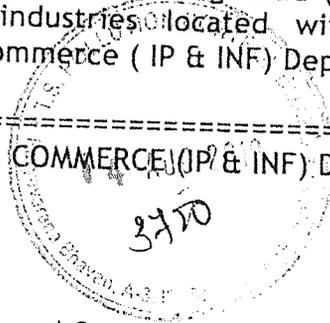
ORDER:

In the reference 1<sup>st</sup> read above, the Government has issued order, to shift polluting industries (compulsory) and non-polluting industries (optional) from within the Outer ring road (ORR) to outside Outer ring road.

2. In the reference 7<sup>th</sup> read above, the Government has issued orders to exempt the following industries under G.O.Ms.No.20, Industries and Commerce (IP & INF) Dept, dated 01.03.2013 to enable operation and expansion of existing industries within ORR.

- a. The existing Bulk Drug & Intermediate industries located within ORR and intend to go for expansion may be permitted with ZLD system in compliance with G.O.Ms.64, EFS&T Dept, dt.25.07.2013 and continue to operate duly obtaining valid Consents of TSPCB till the new industrial area outside ORR are developed and business conditions and other business advantages that they enjoy at the present locations are suitably created in the new locations.
- b. The Red category (except Sl.No. viii) and Orange Category of industries which are listed above may be permitted to establish, expand and continue duly obtaining valid Consents of TSPCB within ORR till the new industrial area outside ORR are developed and business conditions and other business advantages that they enjoy at the present locations are suitably created in the new locations.
- c. Existing Red Category (Sl.No. viii) industries i.e., Slaughter houses may be permitted to continue duly obtaining valid Consents of TSPCB within ORR.

3. In the reference 8<sup>th</sup> read above, the Member Secretary, Telangana State Pollution Control Board (TSPCB), Hyderabad has stated that during the meeting of the Hon'ble Minister for IT, Industries, MA& UD, NRI Affairs on 03.03.2018 at their Head office, which was also attended by the Chief Advisor to Government and Chairman on TSPCB and the Principal Secretary to Government, Ind. & Com. Dep., the Bulk Drug Manufacturers Association (India) has requested the Hon'ble Minister for IT, Industries, MA& UD, NRI Affairs to permit operation and expansion of the existing Biotechnology Units located within ORR in-line with the bulk Drug and Bulk Drug Intermediates as permitted in reference 7<sup>th</sup> read above. Further, it was decided that the BDMA would submit a representation to the Government for considering the same and the same was submitted a representation to the Government (i.e Industries & Commerce Dept)



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under copy to the Member Secretary. He has also stated that Dr.Reddy's Laboratories Limited, Biologics, Quthubullapur(M), Medchal-Malkajgiri District has also submitted a representation requesting to permit operation and expansion of existing Biotechnology Units located within ORR.

4. Further, the Member Secretary, Telangana State Pollution Control Board (TSPCB),Hyderabad has stated that these units manufacture Vaccines and other life saving medicines using Biotechnology process. As the existing Bulk Drug and Bulk Drug Intermediates are already permitted to carryout operation and expansion within ORR, the same can be made applicable to the Biotechnology Units located within ORR and requested the Government to examine the issue on the request of M/S.BDMA and Dr.Reddy's Laboratories Limited, Biologics to permit Biotechnology Units within ORR duly amend the G.O.MS.No.4, Industries and Commerce (IP&INF) Department, Dt.20.01.2018.

5. The Government after careful examination of the matter hereby issue the following addendum to the G.O.MS.No.4, Industries and Commerce (IP & INF) Department , Dated: 20.01.2018.

ADDENDUM

1. In the said G.O. at para 8 (a) (1 ) shall be added after (a) as (a) (1) that " existing Biotechnology Units {Biotechnology Process using Organic Solvents falls under Red Category shall be added in the list at para 4 (xi) and the process without solvents falls under Orange Category shall be added in the list at para 4 (xxiii)} in the said G.O., located within ORR and intend to go for expansion may be permitted with ZLD system in compliance with G.O.Ms.64, EFS&T Dept, dt.25.07.2013 and continue to operate duly obtaining valid Consents of TSPCB till the new industrial area outside ORR are developed and business conditions and other business advantages that they enjoy at the present locations are suitably created in the new locations.

6. Accordingly, the Principal Secretary to Government, Environment, Forest, Science & Technology Department and the Member Secretary, Telangana State Pollution Control Board (TSPCB), Hyderabad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

JAYESH RANJAN  
PRINCIPAL SECRETARY TO GOVERNMENT AND  
COMMISSIONER FOR INDUSTRIAL PROMOTION (FAC)

To

The Principal Secretary to Government, Environment, Forest, Science & Technology Department.

The Principal Secretary to Government, MA&UD Dept.,

The Member Secretary, TS Pollution Control Board, Hyderabad.

The Commissioner of Industries, TS., Hyderabad.

The Vice Chairman & Managing Director, TSIIC, Hyderabad.

The Metropolitan Commissioner., Hyderabad Metropolitan Development Authority.

The Municipal Administration & Urban Development Dept.

Copy to

The Commissioner, Greater Hyderabad Municipal Corporation (GHMC).

The General Manager, District Industries Centre, RR Dist;

The General Manager, District Industries Centre, Hyderabad.

The General Manager, District Industries Centre, Sangareddy, Medak.

SF/SC

//Forwarded::By order//

  
SECTION OFFICER