

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 43 OF 2019**

IN THE MATTER OF:

P. MADHUSUDHAN REDDY **...Applicant**
Versus
STATE OF TELANGANA & ORS ... **....Respondents**

OBJECTIONS/SUBMISSIONS ON BEHALF OF APPLICANT

1. That the Status report dated 3.3.2021 submitted by the Joint Committee is in conclusive and only partial compliance was done even after 15 months of submitting its first report dated 4.1.2020. That the Committee has left several recommendations made in the first report and fixed very nominal Environment Compensation to few industries.
2. That the industries have been causing pollution right from 1997-98. Some of the units have started between 2007-15. But the Joint Committee has imposed Environment Compensation based on the inspection conducted on 6.1.2020. The State PCB is having complete record about the functioning of the Units. It has issued Show cause notices, directions and even closer orders to the units several times from 2012-18. Even in the TSPCB orders annexed with the first Joint Committee report refers about the earlier directions issued on 21.3.2018. That that is considered, the Environment compensation has to multiplied 3 times to the present EC.
3. That the comparative chart showing the non implementation of the recommendations of the Joint Committee and lenient view taken at the time of imposing Environment compensation are placed as under:

| Observations of the Committee at page 25 to 30 of the report dated 4.1.2020 | EC Imposed to polluting industries in Status report dated 3.3.2021 |
|---|---|
| <p>7.0 Observations of committee The following observations made by the committee members: i. All the 23 cotton ginning and cotton seed processing industries were inspected by the committee members. During inspection, the industries were operating only ginning and cotton seed processing de-linting was not operational. ii. All the industries except four industries were operating with valid CFO from TSPCB. M/s</p> | <p>During the inspection done by the Joint Committee, violations found in 23 units. But Environment Compensation imposed only on 15 units restricting the compensation to delinting. Illegal extraction of ground water, damage caused to soil, affect on the workers, air pollution, noise nuisance etc are not considered in the Status Report.</p> |

Vigneshwara agritech (formerly Sri Laxmi Prasanna Ginning Mill), leeja has not taken CFE & CFO from the start of the industry. M/s Sandeep Agri sciences Pvt. Ltd. And M/s Sri Krishna ginning and seed processing plant have applied for renewal of consent and it's under process by TS PCB. Whereas the validity of consent of M/s Sri Venkateswara Cotton Ginning & Processing Unit, Kistareddy Bangla expired on December 3 I, 2018 but not applied for renewal of consent.

iii. M/s Vigneshwara agritech (formerly Sri Laxmi Prasanna Ginning Mill,) leeja was issued closure direction by TS PCB on December 2, 2019, since the industry was operating without valid consent and several complaints were received against the industry for causing air & noise pollution.

iv. Mis Sri Venkateswara Cotton Ginning & Processing Unit, Kistareddy Bangla informed TSPCB that industry will not operate in future. However, during inspection the industry was operating cotton ginning.

v. All the industries engaged in de-linting activity are not sending the entire acidic effluent generated to JETL as per the consent. It was confirmed by the manifest copies of the JETL.

vi. As per the consent only 16% or 33 % of the effluent generated is sent to JETL and the remaining effluent is being discharged in their agricultural fields. This was confirmed by the analysis results of soil samples collected during inspection.

vii. M/s Image crop science Pvt. Ltd., has made three unlined lagoons just outside the compound wall and pipeline from de-linting area is connected to these lagoons. The analysis results of the soil samples shows pH 1.29, 4 & 2.75, confirms the discharge of acidic effluent into unlined lagoon and allowing to percolate to ground water.

viii. The pH of soil analysis results of M/s Sri Sai Lakshmi Venkateshwara, M/s Sree Ramya industries, M/s Sri Ayyappa Swamy cotton ginning mill and M/s Sri Venkateshwara Ginning & Seed Processing Plant, Sy.No.840 confirms the discharge of untreated acidic effluent into agricultural fields.

ix. Though the industries have obtained membership certificate from TSDF, Rangareddy, the sludge generated in the collection/preliminary tank is not disposed to TSDF. Hence confirms the non -submission of TSDF manifest copies to TS PCB.

x. The industries are not maintaining any records for generation and disposal of used oil to authorized user/recycler as per 4 (3) of under Hazardous & other wastes (Management & Trans boundary Movement) Rules, 2016. The industries are not submitting form-4, annual returns to TSPCB, thereby violating the Hazardous & other wastes (Management & Transboundary Movement) Rules, 2016.

xi. 12 industries have constructed ETP by M/s Adsorptive Enviro Engineer, Hyderabad, but the design of the ETP has some draw back. The

| | |
|---|-------------------------------|
| <p>pH should be corrected in neutralization tank rather than in primary clarifier as the ASP is pH sensitive and might affect the aeration.</p> <p>xii. The softener for TDS removal is been installed at the final stage of ETP. The softener will remove only Ca ++ & Mg++ ions and will add Na+ and thus increase sodium in the final treated water. Sodium is much dangerous than calcium & magnesium for the plant growth. The softener is much effective in removing hardness than TDS, hence any best method can be selected than softener for TDS</p> <p>xiii. Out of 23 industries, 18 industries have obtained CFO for cotton ginning and cotton seed processing and remaining five industries for only cotton ginning activity. The cotton ginning industries have facilities for de-linting activity and have operated detinting before taking CFO. At present the industries have stopped de-linting activity.</p> <p>xiv. TSPCB had given directions to these five cotton ginning industries on January 21, 2019 to submit undertaking on Rs. 100/- stamp paper stating that the de-tinting activity will be stopped completely and shall continue only ginning activity for cotton within 15 days at TSPCB, Zonal Office, Hyderabad but these industries have not submitted the undertaking.</p> <p>xv. TSPCB issued certain directions to all the 23 industries in question on January 21, 2019 and directed to comply within 15 days failing which the Bank Guarantee submitted towards the compliance of the TS PCB shall be forfeited without any further notice and shall launch the prosecution against industries without any further notice.</p> <p>xvi. The compliance verification of the directions is depicted in table 5, as per the verifications, none of the industries are complied to the directions.</p> <p>xvii. The industries have not installed water meter to assess the quantity of water consumed and not maintaining records for the raw materials used, production details, effluent generation & disposed.</p> <p>xviii. The housekeeping in all the industries was very poor, cotton fibres were scattered in entire plant area, dumping of plastic gunny bags & paper were noticed in the plant area.</p> <p>xix. There are about 40-50 workers in each industries working day and night, the industries have not provided basic toilet facilities for the workers. The open defecation was observed in the plant and ETP area. As per the consent condition, the industries has no septic tank and soak pit for treating domestic waste water.</p> | |
| <p>8.1 Factual report</p> <p>i. From the observations of industries, analysis results of the soil samples and the manifest copies of JETL confirms that the industries operating de-tinting /cotton seed processing are illegally discharging untreated acidic effluent into their own agricultural land.</p> <p>ii. The allegations made by the petitioner is a genuine and immediate action has to be initiated by TSPCB against these 23 industries to stop violations of the Water</p> | <p>No action taken</p> |

| | |
|---|---|
| <p>(Prevention & Control of Pollution) Act, 1974; Air (Prevention & Control of Pollution) Act, 1981 and Hazardous & other wastes (Management & Trans boundary Movement) Rules, 2016.</p> | |
| <p>8.2 Action taken report of the committee</p> <p>i. During inspection of the 23 industries in question, the 15 de-tinting industries informed that the lint after ginning is sent to other States for de-tinting. But the industries failed to produce the transfer certificate which draws suspicion. Even after issuing letter to submit the copy within two days to RO, Hyderabad, the industries failed to respond. Further, the letter was written on December 13, 2019 to District Collectorate of Jogulamba Gadwal District and TS PCB to provide the copy of transfer certificate for confirmation.</p> <p>ii. Based on the inspection & directions of the committee, TS PCB issued closure direction to M/s Sri Venkateswara Cotton Ginning & Processing Unit, Kistareddy Bangla on December 31, 2019 for operating without valid consent.</p> <p>iii. The recommendations made in the point no. 9 of the report was communicated to TSPCB on January 1, 2020 for taking immediate actions against defaulting industries.</p> | <p>No action taken</p> |
| <p>9.0 Recommendations</p> <p>i. M/s Vigneshwara agritech (formerly Sri Laxmi Prasanna Ginning Mill,) leeja, Jogulamba Gadwal district has not obtained CFE & CFO from TS PCB till now and was operating. During inspection, the unlined lagoon was observed which confirms the discharge of untreated acidic effluent into the lagoon as the industry has not taken membership certificate from JETL or TSDF. TSPCB to levy environmental compensation from the date of operation of the industry.</p> <p>ii. TSPCB to direct M/s Sri Laxmi Venkateshwara Seed Processing Unit, Sy. No.184 & 185, Paramala (V), Gadwal (M), Jogulamba Gadwal District for disposing the stored effluent in Tank A & B to JETL after pre-treatment and to submit the copy of manifest to TSPCB.</p> <p>iii. TS PCB to issue direction to M/s Image Crop Sciences Pvt. Ltd., Sy.No.412/ A/2, Vemula (V), Itikyala (M), Jogulamba Gadwal District to dismantle the unlined lagoon and to send the contaminated soil to TSDF. The copy of manifest from TSDF has to submit to TSPCB.</p> <p>iv. TSPCB shall also direct M/s Image Crop Sciences Pvt. Ltd not to restail the operation until the construction of RCC collection tank and ETP.</p> <p>v. As per the manifest copies, analysis results of soil and observation of the committee during inspection, confirms the discharge of acidic effluent to their own land and causing soil pollution. TSPCB to levy Environmental Compensation for violating the consent conditions and not complying the directions issued on January 21, 2019 by TSPCB.</p> | <p>Not reflected in Status Report. The units which are stopped delinting were not imposed EC for the past violations.</p> <p>That the Association of the Units them self admitted in their representation made to the TSPCB that they have been operating the units from 2007. Hence the violations are going on from that date. But EC imposed from January, 2020 which is completely erroneous.</p> |

| | |
|---|--|
| <p>vi. TSPCB before issuing the amended CFO should ask the industries to rectify the draw backs identified by the committee members.</p> <p>vii. The eight industries who claims to operate only cotton ginning should dismantle the delinting facility so as to avoid the illegal operation and discharge of untreated acidic effluent to land.</p> <p>viii. The 23 industries in question should install water meters to bore well, so as to assess the quantity of water consumed for operations. All the industries should maintain records for raw materials consumed, production details, effluent & sludge generation & disposal.</p> <p>ix. The industries should maintain the records for used oil generated & should dispose to authorize recyclers. The unit should maintain form-3 & form -4 should submit to TS PCB before June 30 of every year.</p> <p>x. The industries should construct toilet facilities and the domestic wastewater generated in the industries should be treated at septic tank followed by soak pit. The housekeeping of the industries should be improved.</p> <p>xi. TSPCB to impart training to industries on Solid Waste Management Rules, 2016 and Hazardous & other waste (Management and Transboundary Movement) Rules, 2016 for effective implementation in industries.</p> <p>xii. Considering the impact of untreated trade effluent (acidic) directly discharged into own agricultural fields, it is recommended to initiate the soil remediation program in the affected area, utilizing the amount collected by environmental compensation. The project may be awarded to any reputed Agricultural University under supervision of TSPCB.</p> | |
|---|--|

4. That the units are paid Rs. 22 per packet of seeds as service charge by the Seeds companies for the purpose of delinting. The quantity of the seed delinted by the units every year would be at least 800 to 1000 Tonnes per season. Every year Respondent units are paid atleast Rs. 10 crores for the past 10 years by the seed companies. But the Units on the one hand taking service charge for delinting from the Seed companies but not adopting pollution control measures with a greed to syphone the money given for adopting pollution control measures. Due to lenience and collusion of the enforcing officials, the illegality has been continued more than a decade.
5. It is not true that the Respondent Units are very small units and does not have financial capacity to pay the nominal Environmental Compensation imposed against them. That the units have been using their money and political power to silent the enforcing authorities and self-interested people who make complaints to the authorities.

6. That causing pollution, non-implementation of environment norms by the Respondent units has become money earning tool for the officials and self-interested persons. That several complaints were made to PCB on the pollution of the Respondent Units and cases also filed before this Hon'ble Tribunal and Hon'ble High Court for the State of Telangana and Andhra Pradesh way back in 2015 vide Application No. 196 of 2015 (SZ) and PIL No. 26 of 2015. But the complaints/cases are not taken to logical end due to unknown reasons and the officials also not taken stringent action though they are aware of the violations.
7. It is submitted that the Hon'ble Tribunal may direct the enforcing agencies to implement the recommendations made in the Joint Committee report dated 4.1.2020 in true letter and spirit. Further it is also prayed that the Hon'ble Tribunal may direct the PCB to submit comprehensive compliance report with recalculation of Environment Compensation against all the polluting units right from the establishment of the units before the Hon'ble Tribunal for passing appropriate orders and monitoring the implementation of pollution control measures.

Filed by



Sravan Kumar

Advocate for Applicant