

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE**

ORIGINAL APPLICATION NO. 59 OF 2022

**In the matter of:**

Velagapudi Babu Rao

..... Applicant

Versus

The State of Andhra Pradesh & 4 Ors

.....Respondent(S)

**REPLY STATEMENT FILED ON BEHALF OF THE  
CENTRAL POLLUTION CONTROL BOARD - 5<sup>th</sup>  
RESPONDENT**

1. The above Original Application has been filed by the Applicant mainly on pollution caused to River Krishna due to dumping and burning of garbage (solid waste) by Respondent no. 2 YSR Tadigadapa Municipality and discharge of untreated sewage into River Krishna by Respondent No. 3 i.e Vijayawada Municipal Corporation causing water pollution in River Krishna. The Applicant also emphasis that non-implementation of the Solid Waste Management Rules, 2016 (hereinafter called as SWM Rules, 2016) by the YSR Tadigadapa Municipality (hereinafter called as YSR TM).



*H.D. Varalaxmi*  
**H.D. VARALAXMI, M.Tech**  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
(MoEF & CC, Govt. of India)  
Regional Directorate (Chennai)  
2nd Floor, 77-A, South Avenue Road,  
Symbetpur Industrial Estate, Chennai - 600 058

2. It is submitted that the Ministry of Environment, Forest & Climate Change has notified the Solid Waste Management Rules, 2016 with notification S.O 1357(E) dated April 8, 2016 in supersession of Municipal Solid Waste (Management and Handling) Rules, 2000. As per the relevant provisions under the Solid Waste Management Rules 2016, the local bodies and panchayats are entrusted with the primary responsibility of collection and management of municipal solid waste, maintenance and operation of the solid waste processing sites and dump yards etc. in accordance to the provisions of these Rules.
  
3. As per the relevant provisions of the SWM Rules, 2016, that local bodies have to obtain an authorisation for setting-up waste processing, treatment, recycling or disposal facility including landfills from State Pollution Control Board or Pollution Control Committees (hereinafter called as SPCBs/PCCs). The SPCBs/PCCs are entrusted with the responsibility of enforcement of the SWM Rules, 2016 in their states through local bodies in their respective jurisdiction. The periodical review of implementation with monitoring of environmental standards and adherence to conditions prescribed under these Rules. The SPCBs/PCCs are also entrusted with the responsibility of issuance of authorization to the local bodies after examining the proposals submitted by respective local bodies.
  
4. It is submitted that, the CPCB has no mandate under the SWM Rules, 2016 in granting/issuing of Authorisation to the local bodies and SPCBs/PCCS are mandated to issue such authorization as detailed in



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above paras. As per the mandated duties/responsibilities under the SWM Rules, 2016, CPCB has been coordinating with SPCBs/PCCs for implementation of these Rules and monitoring its implementation through SPCBs/PCCs.

5. That, as per the Hon'ble NGT order dated 16.01.2019 in the matter of Original Application No. 606 of 2018, CPCB published guidelines for disposal of Legacy Waste and communicated to all SPCBs/PCCs to follow the guidelines for effective management of legacy waste. It is also to inform that CPCB issued directions under section 5 of Environment (Protection) Act, 1986 dated January 27, 2021 to all SPCBs/PCCs for legacy waste management in their respective States/UTs.
6. It is also respectfully submitted that the respective local municipal body, the District Administration and the Andhra Pradesh Pollution Control Board shall be the appropriate bodies to reply upon the averments made by the applicant, since the implementation of the provisions of the SWM Rules, 2016, including infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes and its scientific operation is their collective mandated responsibility under the SWM Rules, 2016.
7. It is submitted that the State Pollution Control Board is responsible for regulating of establishment of any industry or process or any treatment and disposal system which is likely to discharge sewage into a stream, or well or sewer or on land, as per the Section 25 of the Water (Prevention and Control of Pollution) Act, 1974.



  
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8. It is submitted that, the local body and APPCB have to ensure that treated sewage is complying with the prescribed standards before discharging into water bodies.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take the above averments made by this Respondent on file and suitable directions may be issued to the respective Respondents in order to prevent pollution to the river and implement SWMR, 2016 effectively and render justice.

**Dated at Chennai on this 10<sup>th</sup> day of August, 2022**



**Counsel for the 5<sup>th</sup> Respondent**



**DEPONENT**

**H.D. VARALAXMI**, M.Tech  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
(MoEF & CC, Govt. of India)  
Regional Directorate (Chennai)  
2nd Floor, 77-A, South Avenue Road,  
Symbetpur Industrial Estate, Chennai - 600 058

## VERIFICATION

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 52 years working as working as Scientist 'E' & holding Charge of Regional Director, Regional Directorate, Chennai, Central Pollution Control Board and having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2<sup>nd</sup> Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm and sincerely state that the averments made paras 1 to 10 above subject to the best of my knowledge belief and information.

Verified at Chennai on this the 10<sup>th</sup> day of August, 2022

5<sup>TH</sup> RESPONDENT-CPCB



*H.D. Varalaxmi*

**DEPONENT**

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Regional Director  
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M/s. R. Thirunavukarasu  
Counsel for the 5<sup>th</sup> Respondent  
Mobile no -9444012986