

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE**

ORIGINAL APPLICATION NO. 6 OF 2022

In the matter of:

Shri.P. V. Subramanya Varma,
S/o. Mr. P.Atchutha Rama Raju,
Flat No.3, Sai Sri Maruthi Apartments,
Jaya Prakash Nagar, Behind RBI Quarters,
Sri Nagar Colony, Khairthabad,
Hyderabad – 500 073.

...Applicant

Versus

The State of Telangana,
Represented by its Principal Secretary,
Environment, Forests, Science and Technology Department,
Secretariat, Hyderabad – 500 022

And 32 Ors

...Respondents

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Dated at Chennai on this the 22nd day of February, 2022



COUNSEL FOR 5th RESPONDENT / CPCB

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE**

ORIGINAL APPLICATION NO. 6 OF 2022

In the matter of:

Shri. P. V. Subramanya Varma

...Applicant

Versus

The State of Telangana and 32 Ors.

...Respondents

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 5 / CENTRAL
POLLUTION CONTROL BOARD**

I, H.D. Varalaxmi, D/o. Shri. H.S. Devaiah, Hindu, aged about 51 years, having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm and sincerely state as follows:-

1. I submit that, I am presently working as Scientist 'E' and holding Charge of Regional Director, Regional Directorate, Chennai, Central Pollution Control Board (hereinafter called as CPCB) and have been authorized to file the reply affidavit on behalf of Respondent No. 5. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present as under:
2. I submit that, the Applicant is mainly focusing about illegal operations of stone crushing units in Ranga Reddy and Sanga Reddy District thus by violating the Environmental guidelines issued by the Central/ State Governments, causing air and dust pollution in and around the vicinity of the units and impact on the environment and health hazards to the people of nearby villages. Since the petition does not have direct reference to this answering Respondent and most of the paragraphs details about illegal operations of stone crushing units Para wise reply is not attempted.



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,
Ambattur Industrial Estate, Chennai - 600 058

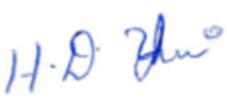
3. I submit that, Telangana State Pollution Control Board (hereinafter called as TSPCB), namely the 4th Respondent, is empowered to grant Consent to Establish (CTE) and Consent to Operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 to the Stone Crushing units after ensuring requisite facilities and also to ensure compliance of conditions of CTE and CTO to prevent air pollution and fugitive emissions.

4. I submit that, the answering Respondent, in compliance of the Order dated 28.02.2020 passed by the Hon'ble NGT, Principal Bench in the matter of OA No. 304 of 2019, had examined the minimum distance prescribed by various states with respect to mining operation of minor mineral and prepared a report on "Distance Criteria for Permitting Stone Quarrying" and filed report before the Hon'ble NGT on 09.07.2020. The Hon'ble NGT vide Order dated 21.07.2020 approved the said minimum distance criteria for operation of stone quarries close to residences and public roads and directed that the same distance criteria have to be followed throughout the country.

5. I submit that, in compliance with Orders dated 30.05.2019 and 09.10.2019 passed by the Hon'ble NGT, Principal Bench in the matter of O.A. No. 739 of 2018 in case of Residents of Gram Panchayat Varahiya Vs. State of Madhya Pradesh, the answering Respondent had developed the requisite mechanism for the assessment of damage to the air quality, public health and agriculture production loss by referring relevant documents. The formula/equations were developed for assessing the damage in monetary terms, which may be recovered from stone crushers operating illegally and/or without complying with the prescribed norms. The explanation/demonstration of the mechanism in terms of monetary calculations was circulated to all SPCBs/PCCs.

6. I submit that, the answering Respondent had received a complaint forwarded by Ministry of Environment, Forest and Climate Change (hereinafter called MoEF&CC), Delhi,




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 Regional Director
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 Symbatpur Industrial Estate, Chennai - 800 052

namely, the 13th Respondent on 25.10.2021 and forwarded it to TSPCB, namely the 4th Respondent on November 9, 2021, requesting to investigate the matter and forward the Action Taken Report (ATR) to the complainant and 5th Respondent. The 4th Respondent had forwarded the Action Taken Report through email dated 15.02.2022 and the same was forwarded to the Applicant.

Hence in view of above, it is respectfully prayed that this Answering Respondent No. 5 will abide by the order(s)/direction(s) passed by this Hon'ble Tribunal.

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,
Symbiatur Industrial Estate, Chennai - 600 052

VERIFICATION

I, H.D. Varalaxmi, D/o. Shri. H.S. Devaiah, working as Scientist 'E' and Regional Director, Central Pollution Control Board, the 5th Respondent herein, do hereby declare that the contents of this Reply Affidavit is based on official record and information available in the office are true and correct to the best of my knowledge and belief.

Signed and verified at Chennai on this the 22nd day of February, 2022

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,
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Counsel for CPCB



**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 739/2018

(With report dated 30.08.2019)

Residents of Gram Panchayat Varahiya

Applicant(s)

Versus

State of M.P.

Respondent(s)

Date of hearing: 09.10.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant (s): None

For Respondent(s): Mr. Raj Kumar, Advocate for CPCB

ORDER

1. Question for consideration is the remedial action against dust pollution by illegal operation of stone crushers at Village Tilora, Rausa, Tehsil Mehar, District Satna at NH-7 (New Four lane) in the State of Madhya Pradesh.
2. Vide order dated 30.05.2019, after reviewing the earlier proceedings and considering the report dated 02.05.2019, recommending action against the defaulting stone crushers, the Tribunal directed the statutory authorities to proceed in accordance with law. The Tribunal also directed the CPCB to develop requisite mechanism for assessment of compensation for damage to the air quality,

agricultural production loss and damage assessment of health issues.

The State PCB was also to furnish a further action taken report.

3. In view of the above, the CPCB has filed its report on 30.08.2019 suggesting following formulae:

Damage to Air Quality (Damage_{AQ}) in Rs.:

$$\text{Damage}_{AQ} = (\text{Load}_{PM10} \times EP_{PM2.5}) + (\text{Load}_{PM10} \times EP_{PM2.5})$$

Damage to Health due to Respiratory diseases (Damage_H) in Rs.:

$$\text{Damage}_H = \text{No. of cases Reported (X) X COI Affected area}$$

Agriculture Production Loss of Crop A by PM₁₀ and PM 2.5 (APL_{PMCropA}) in Rs.:

$$\text{APL}_{PMCropA} = \text{APL}_{CropA} \times 10\%$$

The above formulae takes into account damage to air quality, health issues and agricultural production loss of crop which are to be calculated as follows:

The formula/equation for calculating the damage to the air quality (Damage_{AQ}) is derived by using the following values:

- i. Total Load of PM10 in excess of the prescribed site in the affected site in Kg/day (**Load_{PM10}**)
- ii. Total Load of PM2.5 in excess of the prescribed site in the affected site in Kg/day (**Load_{PM 2.5}**)
- iii. Environmental Price for Average Particulate Emissions, PM10 (**EP_{PM10}**):Rs. 2519.34/kg Emission
- iv. Environmental Price for Average Particulate Emissions, PM 2.5 i.e. (**EP_{PM2.5}**):Rs. 3665.36 /kg Emission

Damage to Air Quality in Monetary Terms /Environmental Price Rs. /day:

$$\text{Damage}_{AQ} (\text{Rs/day}) = (\text{Load}_{PM2.5} \times EP_{PM10}) + (\text{Load}_{PM2.5} \times EP_{PM10})$$

Eq (1)

Note:

- a) The value obtained from this formula should be multiplied by the number of days depending on the time period for which environmental damage is to be calculated.
- b) The sites/areas where many types of the industries are co-existing, % contribution of stone crushers for PM₁₀ and PM_{2.5} in the ambient air, may be calculated based on source apportionment studies. In such cases, the contribution of the stone crusher may be calculated by multiplying the Damage AQ with the contribution factor for stone Crushers.

Damage to Health due to Respiratory diseases (Damage_H) in Rupees:

Damage_H (Rs): No. of cases Reported (X) x COI_{Affected area} Eq (2)

Note:

The sites/areas where many types of the industries are co-existing, % contribution of stone crushers for Particulate matter in the ambient air, may be calculated based on source apportionment studies. In such cases, the contribution of the stone crusher may be calculated by multiplying the **Damage_H** with the contribution factor for stone Crushers.

Agriculture Production Loss:

Model sensitivity studies carried out in India has identified NOx as the key pollutant causing as much as 93% of the crop loss, Since, NOx emissions are not directly related to stone crusher operation, it is proposed to attribute 100-93 = 7% (say 10%) of total yield loss to particulate matter emissions (PM_{1.0} and PM_{2.5}) to start with. The formula/equation for calculating the agricultural production loss is calculated by using the following details:

Average production yield for Crop A in Tonnes/Acre
(Yield_{Avgcrop A})

Actual Yield of Crop A in the Affected area in Tonnes/Acre
(Yield_{ActcropA}) Affected Area in Acres **(Area_{Acr})**

Total Yield Loss (**Loss_{Yld}**)= (**Yield_{ActcropA}** - **Yield_{AvgcropA}**) X
Area_{Acr} Minimum Sale Price of Crop A in Rs/Tonne (**MSP
crop A**)

**Agriculture Production Loss of Crop A (APL_{cropA})
in Rs.:**

APL_{cropA} = LOSS_{Yld} X MSP Crop A
Eq (3)

Estimated Percentage Contribution of Stone Crushers in
Yield Loss: 10%

**Agriculture Production Loss of Crop A by PM₁₀ and
PM 2.5 (APL_{pmcropA}) in Rs.:**

APL_{PMCropA} = APL_{cropA} X 10% **Eq (4)**

Note:

*The sites/areas where many types of the industries are co-existing, % contribution of stone crushers for particulate matter in the ambient air, may be calculated based on source apportionment studies. In such cases, the contribution of the stone crusher may be calculated by multiplying the **APL_{PMCropA}** with the contribution factor for stone Crushers.*

4. While we direct the CPCB to further explain the above in terms of monetary calculation and circulate the same to all the State PCBs/PCCs, the Madhya Pradesh State PCB may now with the assistance of the CPCB take further action and furnish a report to this Tribunal by email at judicial-ngt@gov.in within one month. The CPCB may also prepare a scenario analysis report with a view to test the applicability of formulae to different situations.
5. A copy of this order be sent to the CPCB and the Madhya Pradesh State PCB by email.

List for further consideration on 13.12.2019.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

October 09, 2019
Original Application No. 739/2018
AK



Item No. 09

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 304/2019

(With report dated 09.07.2020)

M. Haridasan & Ors.

Applicant(s)

Versus

State of Kerala

Respondent(s)

Date of hearing: 21.07.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s):

Ms. Soni Singh, Advocate for CPCB
Mr. Jogy Scaria, Advocate for KSPCB

ORDER

1. The Issue for consideration is the safeguards in operation of stone quarries close to residences and public roads. At present, the Kerala State PCB has permitted the stone quarry beyond 50 mtrs. from residences and public roads.

2. The Tribunal considered the matter on 28.02.2020. Finding the distance to be inadequate, CPCB was required to consider the matter and report. It was observed:

"2. Accordingly, a report has been filed by the Kerala State PCB on 17.12.2019 retreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB.

- 3. We are of the view, as earlier observed that the **distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.**
- 4. In view of above, we direct the **CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards.** The State Board may take further action accordingly. Compliance reports be filed before the next date by email at [judicial-ngt@gov.in.](mailto:judicial-ngt@gov.in)”

3. Accordingly, the CPCB has filed its report on 09.07.2020 concluding as follows:

“6.0 Conclusion:

In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:

Mining Type		Minimum Distance	Locations
A.	When Blasting is not involved	100 m	<i>Residential/Public buildings, Inhabited sites, locations to be considered by States.</i>
B.	When Blasting is involved	200 m **	

****Note: The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.**

However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.”

- 4. In view of the above, the said criteria be followed throughout India. The CPCB may monitor compliance.

A copy of this order be sent to the CPCB and all the State PCBs/PCCs by email for compliance.

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The application is disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

July 21, 2020
Original Application No. 304/2019
AK

**BEFORE THE NATIONAL
GREEN TRIBUNAL
SOUTHERN ZONE**

O.A. No. 6 OF 2022

Shri.P. V. Subramanya Varma,
...Applicant

Vs

The State of Telangana and
32 Others
...Respondents

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**Mrs. REVATHI MANIVANNAN
COUNSEL FOR 5TH RESPONDENT**

Mob. No. 7448350555