

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
ORIGINAL APPLICATION NO.06 OF 2022**

**IN THE MATTER OF:**

P.V.Subramanya Varma  
S/o.P.Atchutha Rama Raju  
Hyderabad

.....Applicant(s)

Versus

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

.....Respondents(s)

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Place: Hyderabad.  
Date: 21-04-2022

H.Yasmeen Ali  
Counsel for the Respondent

**Report of the Department of Mines & Geology in OA No.6 of 2022 on stone crusher units located in Vattinagulapally, Kokapet, Gopanpally, Kothwalguda Villages of Rangareddy District and Kollur & Osman Sagar Villages of Sanga Reddy District.**

1 O.A No.6 of 2022 was filed before the Hon'ble NGT, Chennai by Sri.P.V.Subramanya Varma regarding the pollution caused by stone crushing units located in Vattinagulapally, Kokapet, Gopanpally, Kothwalguda Villages of Rangareddy District and Kollur & Osman Sagar Villages of Sangareddy District.

2. The Hon'ble NGT, Chennai vide its Orders dt:17-01-2022, constituted a Joint Committee comprising of (i) a Senior Officer from the Ministry of Environment, Forests & Climate Change (MoEF&CC), Regional Office, Hyderabad, (ii) a Senior Officer from the Telangana State Pollution Control Board, (iii) District Collectors of Rangareddy District and Sangareddy District or his/her nominee not below the rank of Assistant Collector/Sub Divisional Magistrate as deputed by them and (iv) a Senior Officer from the Department of Mines and Geology, Hyderabad to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

3. In pursuance of the Hon'ble NGT orders, the Director of Mines & Geology, Hyderabad vide Memo, dt:25-01-2022 nominated the Asst. Directors of Mines & Geology, Rangareddy and Sangareddy as members of the Joint Committee and directed to follow up the matter as per the directions of the Hon'ble Tribunal.

4. In compliance to the Hon'ble NGT orders under reference, the Director of Mines & Geology being the Nodal Agency, addressed all the members of the Joint Committee vide letter No.1406121/LS/2022, dt:10.02.2022 and requested to inspect the area in question and submit a factual report as well as action taken report as per the directions of the Hon'ble Tribunal.

5. Accordingly, the Committee was constituted comprising of following officers:

<b>S. No.</b>	<b>Proposed by the Hon'ble NGT</b>	<b>Nominated by the concerned Department.</b>	<b>Name &amp; Designation of the Officer</b>
1	District Collector of Rangareddy District	The District Collector, Rangareddy District	Revenue Divisional Officer, Rajendranagar Division, RR Dist.,
2	Senior Officer from the MoEF & CC, Regional Office, Hyderabad	MoEF & CC, Integrated Regional Officer, Hyderabad.	Sri.E.Arockia Lenin, Scientist C, IRO, MoEF & CC, Hyderabad
3	Senior Officer from TSPCB	TSPCB, RR Dist.,	Sri.G.Hanumanth Reddy, Joint Chief Environmental Engineer, Zonal Office, R.C Puram

4	Senior Officer from the Directorate of Mines & Geology, Telangana as deputed by its Director	Director of Mines & Geology	Sri.R.Praveen, Asst. Director of Mines & Geology, Rangareddy District and Sri.B.Madhu Kumar, Asst. Director of Mines & Geology (I/C), Sangareddy
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6. It is pertinent to mention that the subject matter in O.A.No.6 of 2022 pertains to establishment and running of stone crushing units exclusively and they do not come under the purview of the Mines & Geology Department and the Dept., does not have any control over the crushing units and do not grant any permissions for erection of stone crushing units. The statutory permission for establishment of stone crushing units is issued by the Commissioner of Industries and the Consent for Establishment (CFE) and Consent for Operation (CFO) will be issued by the Telangana State Pollution Control Board. The stone crusher units procure raw material either from captive quarry leases or from other quarry leases granted and also through temporary permits as per Telangana State Minor Mineral Concession (TSMMC) Rules, 1966.

7. Further, as per Rule 26(3)(ii) of Telangana State Minor Mineral Concession Rules, 1966, the officials of the Mines & Geology Department have conducted periodical inspections of the stone crushing units arrayed in the application (O.A.No.6 of 2022) and also other stone crushing units running in the said area during the period 2019-20 to 2021-22 and issued show cause notices for submission of documentary evidence of having paid the seigniorage fee to the Government for the stocks available at the unit site and issued demand notices for the unit holders who failed to submit the documentary evidence of having paid the seigniorage fee. As per the records of the ADM&G, Rangareddy, this Department has collected an amount of **Rs.51,74,000/-** towards 5-times penalty in addition to the normal seigniorage fee as per TSMMC Rules. The list of said crushing units is enclosed herewith as **Annexure-A**.

8. It is reiterated that the Department of Mines & Geology does not have any control over establishment / erection and running of stone crushing units. It has taken all possible measures to realize the seigniorage fee along with penalty for the unauthorized stocks available at the said crushing units as per TSMMC Rules, 1966.

Hence the report.

Place : Hyderabad  
Date: 20.04.2022

  
Joint Director of Mines & Geology  
O/o Director of Mines & Geology  
Hyderabad

## ANNEXURE-A

SI No	Name	Sy.No	Location	Penalty Collected (in Rs)
1	M/s. Aadeshwar Aggregates Pvt. Ltd	246	Vatinagulapally Vg., Gandipet Mdl.,	1147500
2	M/s. Sri Rama Engineering Constructions (3) units	141	Vatinagulapally Vg., Gandipet Mdl.,	97500
3	M/s. Aadeshwar Traders	115	Vatinagulapally Vg., Gandipet Mdl.,	315000
4	M/s. Hyderabad Rock Sand	182	Vatinagulapally Vg., Gandipet Mdl.,	886500
5	M/s. GMR Stone Crusher (M/s.Sri Laxmi Narasimha metal Industry)	266 , 268, 270 & 271	Vatinagulapally Vg., Gandipet Mdl.,	67500
6	M/s.Pulluri Mining and Logistics Pvt. Ltd (3) units (M/s.My Home Constructions)	239 & 240	Kokapet Vg., Gandipet Mdl.,	675000
7	M/s.Sri Srinivasa & Co.,	452/1	Poppalguda Vg., Gandipet Mdl.,	225000
8	M/s. Sree Sand Minerals (M/s.Raghavendra Stone Crusher)	95, 96, 97 & 98	Gopanpally Vg., Serilingampally Mdl.,	360000
9	M/s. Sree Rock Sand Minerals	36/6, 36/8, 36/11 & 36/14	Gopanpally Vg., Serilingampally Mdl.,	540000
10	M/s.Great India Mining Pvt. Ltd (M/s.Sebi Mining)	36/AA/4	Gopanpally Vg., Serilingampally Mdl.,	360000
11	M/s.Padmavathi Metal Industry	78	Kothwalguda Vg., Shamshabad Mdl.,	50000
12	M/s.Ahmed Metal Industry (QMI)	47 & 48	Kothwalguda Vg., Shamshabad Mdl.,	50000
13	M/s.DBR Metal Industry	78	Kothwalguda Vg., Shamshabad Mdl.,	300000
14	M/s.Jagadamba Metal Industry	42/AA/1	Kothwalguda Vg., Shamshabad Mdl.,	50000
15	M/s.SMI Metal Industry	78	Kothwalguda Vg., Shamshabad Mdl.,	50000
<b>Total</b>				<b>5174000</b>

  
Asst. Director of Mines & Geology,  
Rangareddy District.

**Item No.2:**

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

**Original Application No. 06 of 2022 (SZ)**

*(Through Video Conference)*

**IN THE MATTER OF:**

P.V. Subramanya Varma  
S/o. P. Atchutha Rama Raju  
Hyderabad.

...Applicant(s)

**Versus**

The State of Telangana,  
Represented by its Principal Secretary,  
Environment, Forests, Science and Technology Department,  
Secretariat, Hyderabad and Ors.

...Respondent(s)

**Date of hearing: 25.02.2022.**

**CORAM:**

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER**  
**HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s):

Mr. V.B. Subrahmanyam.

For Respondent(s):

Mrs. H. Yasmeen Ali for R1 to R3, R6 to R12 &  
R14

Mr. R. Saravanan represented

Mr. T. Sai Krishnan for R4.

Mrs. Revthi Manivannan for R5 (CPCB)

Mr. G.M. Syed Nurullah Sheriff for R13

## ORDER

1. The above case has been posted to today for return of notice, appearance of parties, filing their independent response and also for consideration of the report.
2. There was no representation for the applicant.
3. The notice was served on Respondents No. 15, 16 to 18, 22, 26 to 31. But there was no representation for them.
4. Notice sent to Respondents No. 15, 16, 19 to 21, 23 to 25, 32 & 33 were returned unreserved with endorsements as follows:- the notice sent to Respondents No. 15, 16, 19, 20, 21, 23 & 24 were returned for "insufficient address" and notice sent to 33<sup>rd</sup> respondent as "addressee left". Though notice was served on Respondents No. 25 & 32 are returned only with endorsements "returned to sender", the reason was not specifically mentioned by the Postal authorities.
5. The applicant is directed to take steps to serve notice on Respondents No. 15, 16, 19, 20, 21, 23 to 25, 32 & 33 in correct address and produce necessary requisite with correct address within a week. If the requisite are received, the office is directed to send notice to the respondents. We feel that some time granted to the other respondents on whom notice has been served for engaging the lawyer to defend the case.

6. The 5<sup>th</sup> respondent/Central Pollution Control Board (CPCB) has filed their reply statement.
7. The Joint Committee has filed an interim report dated nil, e-filed on 24.02.2022 which reads as follows:-

**Interim report of the Joint Committee constituted by the Hon'ble NGT, SZ, Chennai in O.A.No.6 of 2022, in case of Sri.P.V.Subramanya Varma Vs State of Telangana.**

It is to submit that Sri.P.V.Subramanya Varma, S/o.P. Atchutha Rama Raju, R/o. Hyderabad has sent a representation to the Chairman, Hon'ble NGT, Principal Bench, New Delhi. The Hon'ble NGT registered the representation as Original Application (O.A) No.6 of 2022. The main prayer of the applicant is as follows:

- (A) Restrain Respondent No.15 to 33 from carrying illegal and unauthorized crushing activities in Rangareddy District and Sanga Reddy Districts without obtaining Consent from 4<sup>th</sup> Respondent / Telangana State Pollution Control Board.
- (B) Appoint and expert Committee to conduct surprise inspection on the units run by Respondent Nos.15 to 33 in order to examine the real activity and assess the damage caused to the environment in Ranga Reddy and Sanga Reddy Districts of State of Telangana.
- (C) Pass and order or order as this Hon'ble Tribunal may deem fit and appropriate in the facts and the circumstances of the present application.
- I. Direct the respondent Nos.1 to 14 to initiate stringent action against the respondent Nos.15 to 33 for an authorized and illegal operation of stone crushing activities in Ranga Reddy and Sanga Reddy Districts of State of Telangana without obtaining Consent for Establishment and Consent for Operation from the 4<sup>th</sup> respondent.
- II. Direct the Respondent Nos.1 to 14 to demolish / remove all the illegal and unauthorized structures erected by the Respondent Nos.15 to 33 without obtaining Consent for Establishment and Consent for Operation from the 4<sup>th</sup> respondent as laid down under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- III. Direct the Respondent Nos.1 to 14 preventing establishment and operation of the illegal and unauthorized stone crushing units of Respondent Nos.15 to 33 in Ranga Reddy and Sanga Reddy Districts which is bad in law and contrary to the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and in violation of the fundamental rights guaranteed under Article 21 of the constitution of India and accordingly direct the respondent Nos.1 to 14 to seize and prevent the operation of the Respondent Nos.15 to 33.
- IV. Direct the Respondent Nos.15 to 33 to pay environmental compensation including the cost of restitution of Environment under Section 15 of NGT Act, 2010
- V. Pass any order or orders as this Hon'ble Tribunal may deem fit and appropriate in the facts and circumstances of the present Application.

The Hon'ble NGT heard the matter and passed orders dt:17-01-2022 and directed that the respondents by Registered Post with Acknowledgment Due, by e-mail and also by dusthi (if possible) and produce proof of service by filing proof affidavit and also directed the applicants to serve the copy of application along with the documents produced to the standing counsel appearing for the Respondents No.1 to 4, 6 to 12 so as to enable them to get instruction from the respective authorities and file their independent response regarding the allegations made in the application. In order to ascertain the genuineness of the allegations made in the application, appropriate to appoint a Joint Committee comprising of

- i) Senior Officer from the MoEF & EC, Regional Officer, Hyderabad;
- ii) Senior Officer from the TSPCB;
- iii) District Collectors of Sangareddy and Rangareddy or his / her nominee not below the rank of Asst. Collector / Sub Divisional Magistrate as deputed by them.
- iv) Senior Officer from the Department of Mines & Geology, Hyderabad.

The Department of Mines & Geology be the nodal agency for co-ordination and for providing all necessary logistics for this purpose. The Joint Committee is directed to submit the report to the Tribunal on or before 25-02-2022 by e-filing in the form of searchable PDF/OCR supportable PDF and not in the form of Image of PDF along with necessary hardcopies to be produced as per Rules.

In compliance to the Hon'ble NGT orders dt:18-01-2022 in O.A.No.6 of 2022, the Committee was constituted comprising of following officers:

S. No.	Proposed by the Hon'ble NGT	Nominated by the concerned Department.	Name & Designation of the Officer
1	District Collector of Rangareddy District	The District Collector, Rangareddy District	Revenue Divisional Officer, Rajendranagar Division, RR Dist.,
2	Senior Officer from the MoEF & CC, Regional Office, Hyderabad	MoEF & CC, Integrated Regional Officer, Hyderabad.	Sri.E.Arockia Lenin, Scientist C
3	Senior Officer from TSPCB	TSPCB, RR Dist.,	Sri.G.Hanumanth Reddy, Joint Chief Environmental Engineer, Zonal Office, R.C Puram
4	Senior Officer from the Directorate of Mines & Geology, Telangana as deputed by its Director	Director of Mines & Geology	Sri.R.Praveen, Asst. Director of Mines & Geology, Rangareddy District

The Hon'ble High Court issued orders dt:20-10-2021 in W.P.No.170 of 2020 filed by Sri.M.Gopal Reddy, S/o.M.Anji Reddy against the crushers and ready mix plants operating in G.O.Ms.No.111 area within 10Kms radius of Himayathsagar and Osmansagar lakes directed to the Tahsildars to take action and shall ensure the closure of such industries. Accordingly, the Tahsildars of Gandipet, Serilingampally & Shamshabad Mandals were seized the stone crushing units on 28-01-2022 & 03-02-2022 respectively which running without Consent for Operation (CFO) issued by the TSPCB.

The Joint Committee visited the area on 14-02-2022, contacted the Petitioner Sri.P.V.Subramanya Varma over telephone and he was not came in to contact. During the inspection, the stone crushing unit holders were also not present. The Joint Committee have visited certain stone crushing units located in Rangareddy and Sanga Reddy Districts as mentioned in the prayer of the applicant. As per the field observations, it is noticed that there are (22) stone crushing units are available in the said area, out of which (5) stone crushing units were operating with valid Consent for Operation issued by the TSPCB and remaining stone crushers were issued closure orders by the TSPCB. The TSPCB also requested the Thasildhars of Gandipet, Serilingampally, Shamshabad to seize the generators.

A Writ Petition No. 170 of 2021 was filed before the Hon'ble High Court against the stone crushing units operating without consent of the TSPCB in Gandipet Mandal, Rangareddy District. The Hon'ble High Court vide order dated 20.10.2021 disposed the petition. The extract of the order is as follows:

*"Resultantly, the Writ Petition stands disposed of with the direction to the Tahsildar, Gandipet Mandal, Rangareddy District to give effect to the closure orders passed by the Pollution Control Board."*

The Board also received complaint from Sri P.V.Subramanya Varma against the crushers operating in G.O.Ms.No.111 area (within 10 kms radius of Himayatsagar and Osmansgar lakes) in spite of issuing closure order by the Pollution Control Board and causing air pollution in the surrounding areas.

It is further submitted that another Writ Petition No. 12022 of 2020 was filed by Sri. Vislavath Sangameshwar, R/o.Sriram Nagar, Hyderabad. The Hon'ble High Court vide order dated: 18.01.2022 in W.P. No. 12022 of 2020 has disposed the petition. The extract of the petition as follows:

*"...The present Writ petition is disposed of with a direction to the State Government to ensure that the orders passed by the Board are implemented and no mining/crushing activity takes place in respect of the area in question. It is made clear that in case the orders passed by the Board are not implemented by the revenue authorities."*

The Joint Committee inspected some of the stone crushing units and observed that they were not in operation. However, as per the physical observation, the traces of fresh deposition of dust was noticed in and around the unit. Hence, the Committee suspected that the crushers might have operating during the night time. It is further noticed that, the crushers which are not in operation were not provided water sprinkling systems, closed dust bunkers, not provided covers to the belt conveyors, not provided wind breaking walls to control the air pollution. It is further observed that lot of dust accumulated within the stone crusher premises. One of the stone crushing unit is not in operation however, rock breaking work (making boulders into convenient sizes) is under process.

The (5) stone crushing units are provided water sprinkling systems at the transfer points and within the premises to suppress the dust generated during the process and vehicular movement. The stone crushing units provided wind breaking walls, cladding to the vibrating screens, provided covers to the belt conveyors to control the air / dust pollution in the surrounding area.

The Joint Committee also noticed that there is a lot of construction activity is taking place in Gandipet & Serilingampally Mandals of Rangareddy District and excavating the rock spalls and dumping the same outside their premises which is also causing the dust pollution.

In view of the above, it is submitted that there are 22 stone crushing units are existing, hence, the Committee needs additional time of (2) months to inspect all the stone crushing units in detail, verify the documents.

8. It is seen from the report that there were certain violations noted. They have further mentioned that since they could not complete the inspection and they wanted some more time to file the report.
9. The Telangana State Pollution Control Board (TSPCB) is expected to file an action taken report if there is any violation found noted even at the time of their inspection, instead of waiting for the Joint Committee to file the report.
10. Similarly the State respondents are also expected to file their independent reply statements regarding the violations and also the nature of action taken by them.
11. The respondents are directed to file the Joint Committee report and also the action taken report apart from filing their independent response on or before **31.03.2022** by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.
12. The Registry is directed to communicate this order to the official respondents by e-mail immediately for their information and compliance of directions.
13. For return of notice on Respondents No. 15, 16,19 to 21, 23 to 25, 32 &

33 and for appearance of Respondents No. 15, 16, 19, 20, 21, 23 to 25,  
32 & 33, completion of pleadings and also for consideration of report,  
post on 31.03.2022.

Sd/-

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

Sd/-

.....E.M.  
(Dr. Satyagopal Korlapati)

O.A. No.06/2022 (SZ)  
25.02.2022, Sr.

