

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

O.A. No.66 of 2017

1. Vallapureddy Gari Govardhan Reddy
S/o. Vallapureddy Gari Ramakrishna Reddy
H.No.1-6B, Kondajuturu Village, Panyam Mandal,
Polur, Kurnool District
Andhra Pradesh, India – 518 511
2. Rachamalla Ramesh
S/o. Rachamalla Nagireddy
H.No.1-11, Kondajuturu Village, Panyam Mandal,
Polur, Kurnool District
Andhra Pradesh, India – 518 511
3. Guddeti Bogeshwarudu
S/o. Guddeti Bogaiah
H.No.1-74, Kondajuturu Village, Panyam Mandal,
Polur, Kurnool District
Andhra Pradesh, India – 518 511
4. Guddeti Srinivasulu
S/o. Guddeti Rangaswamy
H.No.1-74, Kondajuturu Village, Panyam Mandal,
Polur, Kurnool District
Andhra Pradesh, India – 518 511
5. Siddam Eswaraiah
S/o. Guddeti Rangaswamy
H.No.2-25A, Kondajuturu Village, Panyam Mandal,
Polur, Kurnool District
Andhra Pradesh, India – 518 511
6. Chowdaboina Chinna Subbarayudu
S/o. Chowdabona Pedda Subbarayudu
H.No.1-89, Kondajuturu Village, Panyam Mandal,
Polur, Kurnool District
Andhra Pradesh, India – 518 511

...Applicants

-Vs-

1. The Union of India
Rep. by its Secretary to the Government
The Ministry of Environment, Forests and
Climate change, Paaryavaran Bhavan
Jor Bagh New Delhi, India
2. The State of Andhra Pradesh
Rep. by its Secretary
Department of Environment, Forests,
Science and Technology 4th Block
Ground Floor, Secretariat
Hyderabad, Telangana
India
3. The Andhra Pradesh Pollution Control Board
Rep. by its Member Secretary
Andhra Pradesh Pollution Control Board
Paryavaran Bhavan
A-III, Industrial Estate
Sanath Nagar, Hyderabad, Telangana
India

4. Santhiram Chemicals Pvt. Ltd.,
Represented by its Managing Director
H.No.25/602, Srinivasa nagar
Nandyal, Kurnool District
Andhra Pradesh
India – 518 501

...Respondents

WRITTEN SUBMISSIONS FILED BY THE 4TH RESPONDENT

1. The 4th respondent submits that the process of the industry proposed by the 4th respondent does not fall under any categories mentioned in the schedule of the Environmental Impact Assessment Notification, 2006 including the 2(b) Mineral Beneficiation and 5(f).
2. The 4th respondent humbly submits that the process of beneficiation is a specific method used in extractive metallurgy. The process that is been proposed to be carried out by the 4th respondent is not the process of beneficiation and does not fall under metallurgy.
3. The 4th respondent humbly submits that Precipitated calcium carbonate is clean and eco friendly as it forms a part of food and medicine for human consumption, poultry and fishery feed. The manufacturing process is zero liquid discharge process and the process is a closed loop process where effluents will not be released into the environment. The precipitated calcium carbonate nano particles are inorganic and will not fall under the ambit of EIA Notification 2006. Expert Appraisal Committee constituted by MOEF & CC has also reiterated that at present there is no requirement to bring manufacture of Precipitated calcium carbonate nano particles under the ambit of EIA notification 2006.
4. The 4th respondent industry proposed to produce Precipitated Calcium Carbonate and Nano Precipitated Calcium Carbonate by buying the raw materials (Limestone). The process undergoing to get Precipitated Calcium Carbonate and Nano Precipitated Calcium Carbonate is not beneficiation at all. The process of preparing Precipitated Calcium Carbonate and Nano Precipitated Calcium Carbonate is an innovative product derived from lime, which has many industrial applications. PCC is made by hydrating high-calcium quicklime and then reacting the resulting slurry, or "milk-of-lime", with carbon dioxide. The resulting product is extremely white and typically has a uniform narrow particle size distribution. This process doesn't come under the ambit of mineral beneficiation under schedule 2(b) of EIA, 2006.
5. The 4th respondent submits that it is pertinent to note that PCC and NPCC are not a beneficiated form of Limestone. Even though they all have the same chemical composition CaCO_3 , Limestone, Ground Calcium Carbonate (GCC), Precipitated Calcium Carbonate (PCC) and Nano Precipitated Calcium Carbonate (NPCC) are not the same product. Each has its distinct characteristics that are applicable differently in the industry.

6. The 4th respondent submits that Precipitated Calcium Carbonate and Nano Precipitated Calcium Carbonate are produced through the process as follows:

- a. Calcine (heat) in a kiln to 1850° F, which takes the calcium carbonate apart, forming lime (CaO) and carbon dioxide gas (CO₂). The carbon dioxide can be captured for reuse. $\text{CaCO}_3 + \text{Heat} \rightarrow \text{CaO} + \text{CO}_2 \uparrow$
- b. Add the lime to water to form calcium hydroxide (hydrated lime or slake).
 $\text{CaO} + \text{H}_2\text{O} \rightarrow \text{Ca(OH)}_2$
- c. Separate out additional impurities from the slaked lime.
- d. Combine the captured carbon dioxide with the slaked lime. Calcium carbonate reforms, and since it is insoluble in water, precipitates out.
 $\text{Ca(OH)}_2 + \text{CO}_2 \rightarrow \text{CaCO}_3 \downarrow + \text{H}_2\text{O}$.

7. The 4th respondent submits that in order to obtain Nano Precipitated Calcium Carbonate, a High Gravity Controlled Precipitation (HGCP) technology platform is used which is based on fundamental mass transfer principles wherein micro mixing of the reaction phases is achieved in microseconds, with the reaction phases brought together under a high gravity environment. The 4th respondent further submits that the difference in manufacturing Precipitated Calcium Carbonate (PCC) and Nano Precipitated Calcium Carbonate (NPCC) is the process of precipitation being done in high gravity environment for the NPCC. Thus, there is no mineral beneficiation process being carried out by the 4th respondent industry and the process of mineral beneficiation is totally a irrelevant and completely different from the manufacturing of PCC and NPCC carried out by the 4th respondent industry.

8. The 4th respondent humbly submits that the applicants knowing full well that the process carried out by the 4th respondent industry is not mineral beneficiation process wantonly with *male fide* intention to prolong and distract this Hon'ble Tribunal, leveled the false allegations. The action of the applicants to raise frivolous and irrelevant allegations in order to harass the 4th respondent industry from carrying out their business is untenable and unwarranted.

9. The 4th respondent submits that the applicants filed the case originally stating that the 4th respondent industry didn't get any consent for establishment. Even after the 4th respondent proving before this court that the consent for establishment certificate is obtained and all the procedures and precautions were followed that are required by law, the applicants are now shifting the goal posts every time and leveling new allegations when their previous blank allegations were dismissed by this Hon'ble Court. The conduct of the applicants in harassing the 4th respondent industry is causing severe financial crisis to the 4th respondent industry. The 4th respondent humbly submits before this Hon'ble Court that such unlawful acts must not be condoned by the Hon'ble Tribunal.

10. The 4th Respondent submits that the above case filed by the applicants originally is not maintainable before this Hon'ble Tribunal. The 4th respondent state that a writ petition W.P.No.26198 of 2016 was filed before the Hon'ble High Court of Andhra Pradesh at Telangana against the establishment of the company praying for direction against the Andhra Pradesh Pollution Control Board not to give any grant or consent for establishment of 4th respondent. The above writ petition was dismissed on 07.09.2016 as premature.
11. The 4th respondent submits that the expert committee constituted by the 3rd respondent considered the project report and other activities as granted consent on 23.09.2016. The 4th respondent submits that the consent for establishment order dated 23.09.2016 is valid for a period of 7 years and that any person aggrieved by the same order may within 30 days from the date of which order is communicated to him, prefer any appeal as per Andhra Pradesh Water Rules, 1976 and Air Rules, 1982 to the appellate authority constituted U/s 28 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 31 of the Air (Prevention & Control of Pollution) Act, 1981.
12. The 4th respondent submits that suppressing the above facts of O.A.No.246 of 2016 filed by the Seemapiluppu Organization before this Hon'ble Tribunal, the applicants in O.A.No. 246 of 2016 had obtained order of interim stay by raising false allegations. This Hon'ble Tribunal on 13.02.2017 vacated and modified the interim stay granted on 28.10.2016 to that effect that the 4th respondent shall be entitled to act as per the 'Consent to establish' order granted by the board dated 28.09.2016 and the board shall closely scrutinize the functioning of the unit of the 4th respondent.
13. The 4th respondent submits that subsequently Application No.246 of 2016 was dismissed for non-prosecution.
14. The 4th respondent submits that the applicants in the above O.A. No.66 of 2017 are the members of Seemapiluppu Organization who filed the previous O.A. No. 246 of 2016 against the 4th respondent suppressing the earlier proceedings before this Hon'ble Tribunal.
15. The 4th respondent submits that the 4th respondent filed a counter in the above O.A. No. 66 of 2017 denying all the false allegations and averments made in the above application and this respondent submits that the Environmental Impact Assessment is not required for the establishment of the 4th respondent as per the EIA Notification, 2006.
16. The 4th respondent submits that the 1st respondent filed a reply affidavit stating that manufacturing of Nano material including Nano Precipitated Calcium Carbonate and Precipitated Calcium Carbonate is not covered under EIA Notification, 2006 as

amended from time to time. The 1st respondent filed a reply after elaborate discussion by the expert committee that at present, EIA is not required for Nano Precipitated Calcium Carbonate. Again, the first respondent filed additional affidavit stating that as follows:

“12. the committee deliberated on the matter and had recommended as follows:

i. With regard to bringing this activity under the purview of the EIA Notification, the committee opined that, at present there is no requirement to bring manufacture of precipitated calcium carbonate nanoparticles under the ambit of the EIA Notification, 2006.

ii. Committee reiterated the opinion of the earlier Expert Committee that at present Environmental Clearance is not required for manufacturing of precipitated calcium carbonate nanoparticles by the proposed process. The precipitated calcium carbonate nanoparticles are inorganic and will not fall under the ambit of EIA Notification, 2006 as the Notification only covers synthetic organic chemicals under schedule 5(f) (Copy of the Minutes is herewith attached as Annexure)”

17. The 4th respondent submits that the 3rd respondent filed a reply stating that consent for the establishment (CFE) from the 3rd respondent was granted on 23.06.2016 and further stated as follows:

“4. ...“It is respectfully submitted that the Board has issued CFE vide order dt. 23.09.2016. As per the EIA Notification dated 14.09.2016 of Ministry of Environment, Forest & Climate Change (MoEF & CC), Govt. Of India, the Projects or Activities listed in the Schedule-I of the Notification requires the prior environmental clearance and has to carry out the impact assessment study of proposed project. The proposed activity of Precipitated Calcium Carbonate (CaCO₃) and Nano Precipitated Calcium Carbonate is not listed in the Schedule-I of the EIA Notification of MoEF & CC, Govt of India dated 14.09.2016. Also, the Board office vide letter dated 07.09.2016 has informed that “the proposed product is inorganic chemical and do not require the EIA process and Environment Clearance (EC). The project of activity is not covered in the schedule of the EIA Notification, 2006 and its amendments thereof. Hence, the Environmental Clearance is not required.” Therefore it is not statutory requirement to carry out the impact assessment study.”

18. The 4th respondent submits that the expert committee clearly stated that for manufacturing of Nano material including Nano Precipitated Calcium Carbonate and Precipitated Calcium Carbonate is not covered under EIA Notification, 2006 and its amendments thereof. The applicants, who are clearly not experts in the respective field and without any sound evidence, should not be considered their averments to

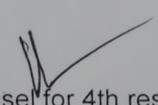
supersede the opinions and recommendations of the expert committee. The Hon'ble Court must make sure that if there are any recommendations regarding the environmental laws that are to be made by the applicants, it must be made directly to the Government and not before the Hon'ble Tribunal. The 4th respondent industry should not be held as a hostage for the applicants to recommend any changes to the current environmental law. The 4th respondent industry is a law abiding and well renowned industry and the harassment of the 4th respondent by the applicants from running the industry is untenable, unwarranted and inexcusable.

19. The 4th respondent submits that the reply filed by the respondents is based on the report of the expert committee constituted by the first respondent and minutes of the meeting was also enclosed by the first respondent along with their reply before this Hon'ble Tribunal.
20. The 4th respondent submits that as on date the EIA notification, 2006 are not applicable for establishment of 4th respondent industry and the same was categorically stated in the reply affidavits and other submissions filed by the respondents 1 and 3 based on the expert committee.
21. The 4th respondent submits that Calcium carbonate is affirmed as generally recognized as Safe (GRAS) by US Food and Drug Administration (US FDA). It is Non Toxic, Non carcinogenic, health hazard zero and non-polluting Product with absolutely no health hazard.
22. The 4th respondent submits that the applications of PCC and NPCC are used in Paint Industry, Paper Industry, Plastic Industry, Tooth Paste Industry, Pharmaceutical Industry, Rubber Industry, Food Industry, Fertilizers, Oil and gas Exploration, Automobile Industry, Tyre Industry, Sealants and Adhesives, Animal Feeds and Poultry Feeds. The value addition of these products may give scope for setting up various industries in the locality. The 4th respondent submits that the PCC is used as supplementation for treatment for calcium deficiency diseases, Pharmaceutical tablets as base and also as natural buffer that works as a pollution filter. Thus, PCC and NPCC are never bad for human health and also for the environment since it is abundant in the nature itself.
23. The 4th respondent further states that most of the lands in Andhra Pradesh are having vast deposits of calcium carbonate (limestone) and it does not have any impact on Ecology, Environment, Public Health, Agriculture and Plantations etc.
24. The 4th respondent submits he had invested huge amount of money for purchase of land and for establishment of the company and the above application filed by the petitioners who are the members of the earlier proceedings in O.A.No.246 of 2016 before this Hon'ble Tribunal is unsustainable and is abuse of process of law and amounts to re-agitation before this Hon'ble Tribunal.

25. The 4th respondent submits that the consent for the establishment granted by the 3rd respondent by order dated 23.09.2016 is subject to conditions to be followed by the 4th respondent. After establishment the 4th respondent shall obtain consent for operation (CFO) from the 3rd respondent as required Under Section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and Under Section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 before commencement of trial runs.
26. The 4th respondent submits that pendency of the above application from 2017 before this Hon'ble Tribunal causes untold hardship and misery to the 4th respondent.
27. The 4th respondent respectfully submits that for the reasons best known to the applicants, the above applications filed one after another with false allegations and averments in order to prevent the establishment of the 4th respondent industry.
28. The 4th respondent submits that the averments made by the Intervener in his application are incorrect and untrue. The 4th respondent submits that they are not experts in particular PCC & NPCC fields. The 4th respondent submits that the technology of PCC and NPCC are basically inorganic filler materials. The calcium carbonate is non-toxic, non-carcinogenic, and non-polluting product with absolutely no health hazard.

In these circumstances, the 4th respondent therefore prays that this Hon'ble Tribunal may be pleased to dismiss the above O.A.No.66 of 2017 with exemplary costs and pass such further or other orders as this Hon'ble Tribunal may deem fit proper and thus render justice.

Dated at Chennai on this the 7th day of March, 2022.


Counsel for 4th respondent

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TRIBUNAL (SZ) CHENNAI

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Vallapureddy Gari Govardhan
Reddy & 5 Others

...Applicants

-Vs-

The Union of India
Rep by its Secretary
To the Government Ministry
Of Environment, Forests
& 3 others

....Respondents

WRITTEN SUBMISSIONS FILED BY THE 4TH
RESPONDENT

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