

**IN THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI**

IN

Original Application No. 66 of 2017

IN THE MATTER OF:-

Vallapureddy Gari Govardhan Reddy & Ors.Applicants

VERSUS

Union of India & Ors.Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE**

MOST RESPECTFULLY SHOWETH:-

I, Dr. Suresh Babu Pasupuleti, working as Scientist 'D' in the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change, at Vijayawada, Andhra Pradesh (hereinafter referred to as 'MoEFCC') the deponent herein do hereby solemnly affirm and state on oath as under: -



1. That I am duly authorized and competent to swear the present counter affidavit on behalf of MoEFCC.
2. That the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. The affidavit is in addition to the earlier submitted affidavit, the contents of which are not being repeated herein for the sake of brevity. However, the affidavit filed earlier may be treated as part of this affidavit as well.

4. It is respectfully submitted that the present affidavit is being filed in compliance with the order dated 25.02.2022 passed by this Hon'ble Tribunal wherein the Hon'ble tribunal observed the following:

"(...) The learned counsel appearing for the project proponent wanted some time to address the new allegation that has been raised regarding the requirement of Environmental Clearance (EC) and whether the project will fall under Item 2 (b) of the EIA Notification, 2006 or not."

The copy of the above mentioned order is attached herewith and marked as **Annexure A-1**.

5. It is submitted that the Answering Respondent held a meeting of the Expert Committee of Impact Assessment (Industry - 1 sector) on 17.03.2022 through video conferencing regarding the applicability of Environment Clearance for manufacturing of Precipitated Calcium Carbonate and Nano Precipitated Calcium Carbonate under the provisions of EIA, Notification, 2006.

The copy of the minutes of the meeting is attached herewith and marked as **Annexure A-2**.

6. Further, it is most humbly submitted that after detail deliberation the committee opined that as per the extant provisions of EIA Notification, 2006 the proposal of M/s SCPL would not fall under schedule 2 (b) Mineral beneficiation of the EIA Notification 2006 and would not require Environmental Clearance under the provisions of EIA, 2006.
7. Furthermore, it is respectfully submitted that the delay has been circumstantial and unintentional and nowhere does the Ministry intend on noncompliance of the orders of this Hon'ble Tribunal.
8. It is further submitted that the present additional affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass

appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.


24/03/22

DEPONENT

डॉ. सुरेश बाबु पसुपुलेटी
(Dr. SURESH BABU PASUPULETI)
वैज्ञानिक 'डी' / SCIENTIST 'D'
भारत सरकार / Govt. of India
जलवायु परिवर्तन मंत्रालय / Min. of Env. Forest & CC
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
विजयवादा / VIJAYAWADA.

VERIFICATION

Verified at Vijayawada, Andhra Pradesh on 24th this day of March, 2022

that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed therefrom.


24/03/22

DEPONENT

डॉ. सुरेश बाबु पसुपुलेटी
(Dr. SURESH BABU PASUPULETI)
वैज्ञानिक 'डी' / SCIENTIST 'D'
भारत सरकार / Govt. of India
जलवायु परिवर्तन मंत्रालय / Min. of Env. Forest & CC
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
विजयवादा / VIJAYAWADA.

Item No.10:

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 66 of 2017 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Vallapureddy Gari Govardhan Reddy and Ors.

...Applicant(s)

Versus

Union of India 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):

Mrs. Renuga represented
Mr. A. Yogeshwaran.

For Respondent(s):

Mrs. Me. Saraswathy for R1.
Mrs. Madhuri Donti Reddy for R2, R3.
Mr. V. Chandrakanthan for R4.
Ms. S.M. Kothai Muthu Meenal (Intervenor)



ORDER

1. The above has been posted to today for hearing.
2. The learned counsel appearing for the MoEF&CC submitted that they have already e-filed their reply statement as directed by this Tribunal.
3. The learned counsel appearing for the project proponent wanted some time to address the new allegation that has been raised regarding the requirement of Environmental Clearance (EC) and whether the project will fall under Item 2 (b) of the EIA Notification, 2006 or not.
4. The parties are directed to get ready with the matter on 10.03.2022 for hearing.
5. For hearing, post on 10.03.2022.

**Sd/-
Justice K. Ramakrishnan, JM**

**Sd/-
Dr. Satyagopal Korlapati, EM**

O.A. No.66/2017 (SZ),
25th February 2022. Mn.



Minutes of the Expert Appraisal Committee for (Industry -1 sector) meeting held on 17th March, 2022 through video conferencing regarding the applicability of Environment Clearance for manufacturing of Precipitated Calcium Carbonate and Nano Precipitated Calcium Carbonate under the provisions of EIA, Notification, 2006.

This refers to the proposal of M/s. Santhiram Chemical Private Limited (SCPL) regarding manufacturing of Precipitated Calcium Carbonate (PCC) and Nano Precipitated Calcium Carbonate (NPCC) through High Gravity Controlled Precipitation (HGCP) technology at Nandyal, Kurnool District, Andhra Pradesh. In this regard, a case was filed before the Hon'ble National Green Tribunal (NGT) against M/s. SCPL on 20/02/2017 by Vallapureddy Gari Govardhan Reddy vide Original Application No. 66 of 2017 stating that aforementioned project would require Environment Clearance under the provisions of EIA Notification, 2006.

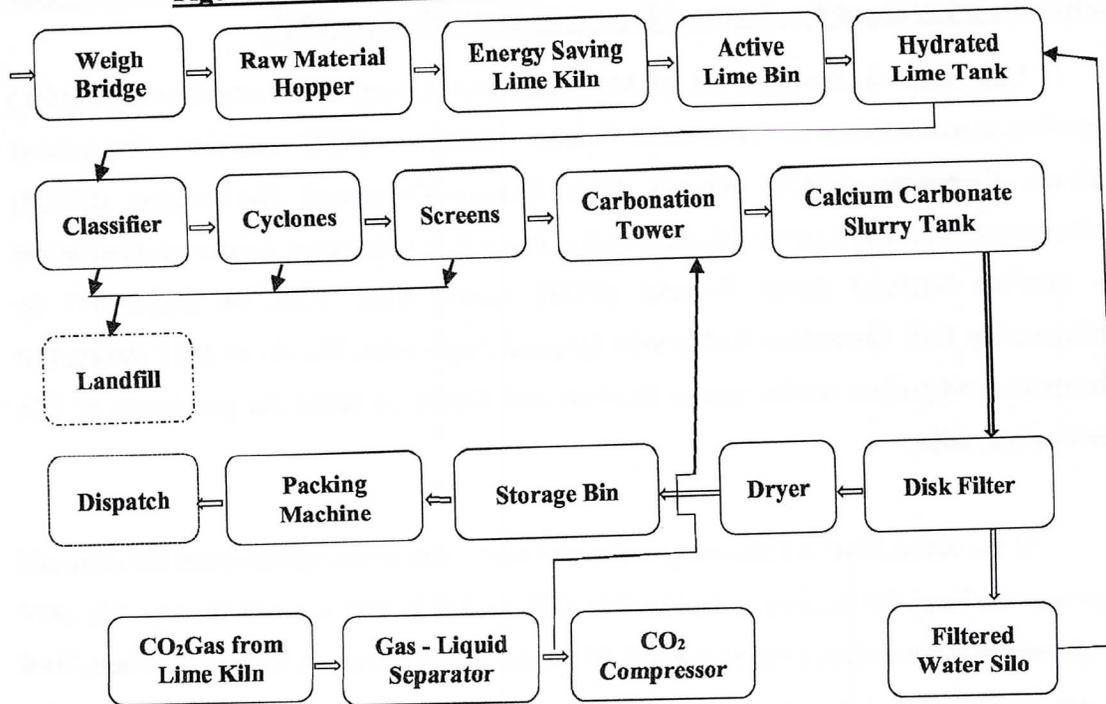
2. At the outset, Member Secretary welcomed the members and apprised that the aforesaid case was last listed for hearing in the Hon'ble NGT on 25/02/2022 wherein the Hon'ble NGT sought whether the project cited above will fall under Item 2 (b) of the EIA Notification, 2006 or not. In this regard, IA Policy has referred the matter to IA-Industry 1 sector seeking comments on whether the manufacturing of 'Nano Precipitated' Calcium Carbonate would qualify to be considered under item 2 (b) of the EIA Notification 2006.

3. In pursuance to the request received from IA-Policy, the aforesaid proposal was placed before the EAC – Industry 1 in its meeting held on 10/03/2022 for taking appropriate view on the request of IA-Policy. The meeting was held under the chairmanship of Shri. Rajive Kumar, IFS (Retd). After detailed deliberations, the Committee decided to deliberate the matter on 17/03/2022. Further, it was also recommended that to co-opt expert on pollution control. Accordingly, next meeting was convened on 17/03/2022 under the chairmanship of Shri. Rajive Kumar, IFS (Retd) by co-opting Shri. J.S. Kamyotra, Former Member Secretary of Central Pollution Control Board to participate in the said meeting with the permission of the Chair. The list of participants is annexed.

4. During the meeting, the EAC was apprised about the High Gravity Controlled Precipitation (HGCP) technology adopted by M/s. SCPL for manufacturing of Precipitated Calcium Carbonate and Nano Precipitated Calcium Carbonate. Process flow sheet is given at **Figure 1.0.**



Figure 1: Process flow sheet for manufacturing of PCC/NPCC



5. During deliberations, the Committee noted that manufacturing process for PCC & NPCC involves different processes such as Crushing, Grinding, Classifying, Screening, Calcination, Hydration, Lime staking, Carbonation, Filtration, Drying, Gas-liquid separation followed by packing and dispatch. The customized PCC and NPCC is obtained by reacting hydrated lime in adjusted chemical conditions with CO₂ coming from calcination process. The suspended PCC and NPCC are subsequently pumped to modified tank where NPCC is upgraded and emulsified at a fixed temperature.

6. The Committee noted that as per EIA Guidance Manual for Mineral Beneficiation, February 2010 "The beneficiation methods and its associated processes (gravity separation / floatation / magnetic or electrostatic separation) chosen concentrate the mineral to the desired level". In the process flow of M/s. SCPL, the stages like crushing, screening, are part of beneficiation, but those are not the major processes in the hierarchy of production of PCC/NPCC by the industry. The Committee also noted that, though the products PCC, NPCC and raw material limestone have same chemical formula the physical properties of the products such as surface area, powder characteristics, true density, oil absorption value, void size and percentage of purity etc., are different. Therefore, the processes adopted by M/s. SCPL is not

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concentrating the mineral and hence does not fall under the purview of mineral beneficiation category ,2 (b) of the EIA Notification 2006.

7. The Committee also noted that the production of 640000 TPA PCC/NPCC involves different processes having significant pollution potential and processes are energy intense. Presently, such industries are governed by the Consent mechanism [Consent to Establish and Consent to Operate] by the respective State Pollution Control Board (SPCB)/Pollution Control Committees (PCCs) under the relevant provisions of the Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act, 1981.

8. After deliberations, the Committee noted that the proposal of M/s. SCPL converting limestone ROM to NPCC/PCC involves many stages comprising physical and chemical processing, involving series of chemical reactions.

9. In view of the foregoing and after deliberations, the Committee opined that as per the extant provisions of EIA Notification, 2006, the proposal of M/s. SCPL would not fall under schedule 2 (b) Mineral beneficiation of the EIA Notification 2006 and would not require EC under the provisions of EIA, 2006.

10. The Committee also recommended that Ministry may explore the feasibility of conducting a scientific study through a reputed institute to quantify the pollution potential in manufacturing of Precipitated Calcium Carbonate (PCC) and Nano Precipitated Calcium Carbonate (NPCC) and based on the outcome of the study, decision may be taken to bring manufacturing of PCC/NPCC under the ambit of EIA, 2006 under appropriate schedule.

11. The meeting ended with vote of thanks to all the participants.



Annexure 1List of participants for the meeting held on 17/03/2022

1. Shri. Rajive Kumar IFS(Retd), Chairman, EAC – Industry 1
2. Dr. Ranjit Prasad, Member, EAC – Industry 1
3. Dr. E V R Raju, Member, EAC – Industry 1
4. Dr. Jai Krishna Pandey, Member, EAC – Industry 1
5. Dr. Dipankar Shome, Member, EAC – Industry 1
6. Dr. Tejaswini Ananthkumar, Member, EAC – Industry 1
7. Dr. Hemant Sahasrabuddhe, Member, EAC – Industry 1
8. Dr. B. N. Mohapatra, Member, EAC – Industry 1
9. Shri. J.S. Kamyotra, Former Member Secretary of Central Pollution Control Board,
Member, EAC – Industry II.
10. Shri. Sundar Ramanathan, Member Secretary EAC
11. Dr. Sandeepan B.S., Scientist 'B'

