

BEFORE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI

APPEAL NO. 77 of 2021

REPORT IN THE MATTER OF APPEAL NO.77 of 2021 FILED BY M/S. ADANI WIMAR
(UNIT-II), SPSR NELLORE DISTRICT SUBMITTED TO HON'BLE NATIONAL GREEN
TRIBUNAL, SOUTHERN BENCH, CHENNAI.

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C. Raj Sekhar
20/12/2021

Andhra Pradesh Pollution Control Board,
Regional Office Nellore

Date: 20.12.2021

Place: Nellore.

ENVIRONMENTAL ENGINEER
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1. Preamble :

Cluster of Edible Oil Industries are operating in Krishnapatnam Port region in SPSR Nellore district. The applicant Smt. Isanaka Vedavathi submitted a representation stating that pollution has been caused by edible oil units. Hon'ble National Green Tribunal Southern Bench in order to ascertain the present status of the functioning of the edible oil refinery units and also to find out as to whether they are complying with the conditions of "consent" issued and whether the pollution control mechanism provided by them are proper and sufficient and whether they are complying with the norms and whether the "Zero Liquid Discharge" system said to have been established by them are properly functioning and whether there is any violation by any of the edible oil refinery units and if so, what is the action taken by Pollution Control Board in this regard has appointed a joint committee comprising of (1) a Senior Officer from the Central Pollution Control Board, Regional Office, Bangalore (2) Senior Officer from the Regional Office of MoEF & CC, Chennai and (3) Senior Scientist from Andhra Pradesh Pollution Control Board. The committee inspected the industries during October, 2020 and recommended Environmental Compensation. The edible oil industries filed their objections on the committee report and objected levy of Environmental Compensation. The committee re-inspected the industries during July, 2021 and observed that post submission of committee report to Hon'ble NGT and assessment of Environmental compensation on erring edible oil units; the units have taken corrective actions on priority.

Based on recommendations of the Joint committee and External Advisory committee (Task Force), APPCB vide order dt: 23.09.2021 imposed Environmental Compensation. Aggrieved by the same, M/s. Adani Wilmar Ltd (Unit-II) (M/s. Louis Dreyfus India Pvt. Ltd., (formerly M/s. Louis Dreyfus Commodities India Pvt. Ltd.,) Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District filed appeal no.77 & 78 of 2021 before Hon'ble National Green Tribunal, South Zone, Chennai.

2. Orders of the Hon'ble National Tribunal dated 16.03.2020 in OA No 221/2015;

The Hon'ble NGT vide order dated 16.03.2020 has directed the following " *So in order to ascertain the present status of the functioning of the edible oil refinery units and also to find out as to whether they are complying with the conditions of "consent" issued and whether the pollution control mechanism provided by them are proper and sufficient and whether they are complying with the norms and whether the "Zero Liquid Discharge" system said to have been established by them are properly functioning and whether there is any*


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violation by any of the edible oil refinery units and if so, what is the action taken by Pollution Control Board in this regard, we appoint a joint committee, comprising of (1) a Senior Officer from the Central Pollution Control Board, Regional Office, Bangalore (2) Senior Officer from the Regional Office of MoEF & CC, Chennai and (3) Senior Scientist from Andhra Pradesh Pollution Control Board to inspect the units in question and submit a factual as well as action taken, if there is any violation found. The committee shall also go into the question as to whether the units are strictly complying with the conditions imposed either in the “consent to operate” or any other permission granted, whether there is any violation in the use of surface water and whether necessary permission has been obtained by the units for drawal of surface water for their purpose, whether pollution control mechanism provided to suppress the air pollution or water pollution are sufficient to meet the requirements as has been provided under the Environment (Protection) Act, 1984, whether these units are properly disposing the fly ash generated during their manufacturing process and if there is any violation found, what is the action taken, including the imposition of environment compensation against the erring units on the basis of the guidelines given by Central Pollution Control Board in this regard and also what is the status of the implementation of the action plan if any, evolved during the review meeting conducted by Pollution Control Board and whether those actions have been brought into action by the units, as undertaken by them and if not, what is the action taken by Pollution Control Board against those erring units and submit a comprehensive report to this Tribunal within a period of two months through e-mail at ngtszfiling@gmail.com.”

3. Inspection by the Board officials:

The Board officials inspected the industry on 30.06.2020 and observed the following pertaining to the compliance of the directions issued by the Board :

- a. The industry has provided bore wells inside the industry and also procuring fresh water from nearby bore wells through tankers. In view of the saline water at the industry premises, the industry procuring about 1 Lakh to 1.25 Lakh Litres (100 to 125 KLD) of the fresh water from outside wells.
- b. The industry has not produce any permission obtained from revenue department under APWALTA Act to draw ground water from the outside bore wells.
- c. As per condition no:5 of Schedule-B of the CFO order dt. 09.03.2019, the industry shall obtain permission from Govt. for water drawl to avoid the usage of water through illegal water tankers, but the industry has not obtain permission from Govt. till date.


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- d. *The industry is carrying full-fledged chemical refining of about 198 TPD which generates High TDS effluents.*
 - e. *The industry has installed MEE of 60 KLD capacity for treatment of HTDS effluents and ETP of 200 KLD capacity consisting of oil & grease trap, Equalization tank, Lime dosing tanks, Neutralization tank, Primary clarifier, Filter press, Aeration tank, Secondary clarifier Collection tank and sludge drying beds.*
 - f. *The industry is mixing the HTDS effluents i.e. acid oil effluents with the LTDS effluents and treating in the ETP followed by RO plant of 10 KLH capacity. The RO plant rejects are sending to MEE and permeate & MEE condensate is using for green belt development and cooling tower makeup. Then MEE concentrate is sending to ATFD. The salt generation from the ATFD is in semi liquid form which indicates improper operation of ATFD.*
 - g. *As per condition no: 10 of schedule -B of the CFO order dt. 09.03.2019, the industry shall provide digital flow meter with totalizer facility to the MEE to measure the quantity of waste water treated. But the industry has not provided Flow meter to the MEE inlet.*
 - h. *The samples were collected from the ETP of the industry and the outlet of ETP is exceeding Board stipulated standards.*
 - i. *The industry is proposed to pump the contaminated rain water to ETP. Summer storage tanks are not provided.*
 - j. *The industry has restricted the water consumption to the consented capacity.*
 - k. *Odour is observed outside the industry premises.*
 - l. *The industry not provided ash silo of 30 days storage capacity within 3 months.*
 - m. *The industry has to develop green belt in an extent of 4.95 Acres i.e. 33% of the total area. But the industry has developed green belt in an extent of about 3.5-4 Acres only.*
 - n. *The industry extended the validity of bank guarantee of Rs.20.0 Lakhs upto February, 2021.*
4. The issue was placed in the External advisory committee meeting (Task force) held on 09.09.2020 and the committee recommended to issue directions to the industry including forfeiture of the Bank Guarantee of Rs.7.5 Lakhs. The Board office vide order dated.28.09.2020 directed the Regional Office, Nellore to invoke the Bank Guarantee of Rs.7.5 Lakhs. Accordingly, the regional office, Nellore requested the Manager, HDFC bank Vijayawada to forfeit an amount of Rs.7.5 Lakhs and arrange a DD in favour of A.P. Pollution Control Board. The Bank arranged the DD on 12.10.2020.


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5. Visit by the Committee

The committee constituted by Hon'ble NGT vide order dated 16.03.2020 convened its first meeting on 27.07.2020 through video conference (VC) with the officials of Regional office, Nellore and reviewed the status of operation of Edible oil industries with respect to Pollution control issues. The committee inspected the units on 13.10.2020 and 14.10.2020. An extract of the committee report pertaining to inspection of M/s. Adani Wilmar Ltd (Unit-II) (M/s. Louis Dreyfus India Pvt. Ltd., (formerly M/s. Louis Dreyfus Commodities India Pvt. Ltd.,) Sy.No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District is submitted below:

Compliance Status of M/s. Adani Wilmar - (Unit-II)

a	Name & complete address of the unit	M/s. Adani Wilmar - (Unit-II) Previously M/s. Louis Dreyfus Commodities India Pvt. Ltd., Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore Dist		
b	Contact Details	Sri G. Sreenivasulu, Plant Head +91- 9444398011 sreenivasulu.gundarapu@adaniwilmar.in		
c	Geo-coordinates	14° 15' 20"N 80° 04' 25.9"E		
d	Area	15.58 acres		
e	Status of CFO & Authorizations and its compliance	The CFO and Authorization are valid till 29.02.2024		
f	Year of Commissioning	2011		
g	Production capacity	S.N	Products	Quantity
		01	Physical Refining Refined Vegetable Oil (Palm Oil, Palmolein, Palm Stearin)	600 TPD
		02	Chemical Refining Refined Vegetable Oil (Soya bean Oil, Sunflower Oil, Groundnut Oil, Rice Bran Oil, Cotton Seed Oil, Mustard Oil, Rapeseed Oil, Sesame Oil)	200 TPD
		02	Fractionated Vegetable Oil	800 TPD
		03	Interesterified Vegetable Oil	150.0 TPD
		04	Vanaspathi	150.0 TPD
		Co-Product		
		1	Palmstearin	167.0 TPD
		By-products		
		1	Distilled Fatty Acids (Physical refining) (Palm Oil, Palm kernel, Palmolein)	48.0 TPD

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		2	Distilled Fatty Acids (Chemical refining) (Soya bean Oil, Sunflower Oil, Groundnut Oil, Rice Bran Oil, Cotton Seed Oil, Mustard Oil, Rapeseed Oil, Sesame Oil)	0.8 TPD
		3	Acid Oil	4.0 TPD
		4	Soap Stock	4.0 TPD
		5	Acid Sludge	0.6 TPD
		6	Gums	9.0 TPD
h	Coal and flyash storage	<p>The unit is generating 940 TPM of fly ash and unit has installed silo of 40 tonnes (roughly around Two days storage) against APPCB direction of 30 days storage capacity storage capacity. Lot of Fly ash spillage was observed in the area. Reported that unit is disposing fly ash on alternate days. The unit should have had minimum of 10 days storage capacity.</p>		
i	Source of water and quantity of water used per day	Source	Water consumption	
		Floor washings, plant washings from physical refining process, inter-esterfied fats, vanaspathi unit	15.0 KLD	
		Chemical refining Manufacturing Process	25.0 KLD	
		Washings in chemical refining (Acid Oil Wash)	30.0 KLD	
		DM/ Softener	5.0 KLD	
		Boiler R.O. (Fresh water for Boiler feed-210 KLD)	275.0 KLD	
		Cooling towers (Non contaminated)	70.0 KLD	
		Cooling towers (contaminated)	60.0 KLD	
		Gardening	30.0 KLD	
		Domestic	20.0 KLD	
		Total	530	
		<p>Though the unit has obtained permission to withdraw 380 KL of ground water but 75% of the water requirement is met from tankers.</p>		
j	Effluent generation	Process & Washings physical and chemicals, Cooling tower, Boiler blow down	100.0 KLD	
		Feed water RO Reject & DM/ Softener back wash	70.0 KLD	
		Acid Oil Wash	30.0 KLD	
		Domestic	15.0 KLD	
		<p>The unit has installed an ETP of 200 KLD capacity followed by RO plant of 10 KLH capacity for treatment of LTDS. HTDS effluent is treated in three stage three stage MEE -60 KLD followed by ATFD to meet ZLD system but ATFD is completely worn out and is not in operation. Sewage is treated in Septic tanks followed by soak</p>		


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		<p>pits. But it was observed that ETP is not properly maintained. ETP sludge is stored in the ETP section in open and leachate was flowing. ETP comprises of Fat Trap, Equalization tank, Chemical Dosing tank, Primary Clarifier, Collection tank, Aeration tank, Secondary Clarifier, secondary Collection tank, Filter Press (2No.). Effluent carrying drains were clogged.</p> <p>Unit has constructed rainwater harvesting pits and summer storage tank of 1600 KL capacity.</p>
k	Installation of magnetic flow meters with totalizer	Flow meters with totalizers at ETP inlet, Primary clarifier outlet, RO inlet, RO outlet, MEE outlet.

Table VI.d 1: Analysis results of samples collected by APPCB during 18.06.2020

S.No	Parameter in mg/L except pH	APPCB standard	Inlet of ETP	Outlet of ETP	MEE feed	MEE condensate	MEE concentrate
1	pH	5.5-9.0	5.27	7.64	7.13	8.08	6.24
2	TSS	200	186	122	206	4	180
3	TDS	2100	4279	2516	5100	80	22840
4	COD	250	772	360	404	BDL	58020
5	BOD	100	290	114	136	BDL	14876
6	Oil & grease	10	18.2	12.6	15	BDL	158

On the day of APPCB inspection RO was not in operation and treated effluent was directly discharged without treating in RO. The outlet of ETP /treated water of ETP not meeting the APPCB stipulated standards.

<p>l</p> <p>Air pollution sources and type of APCDs, status of stack, porthole, OCEMS installation, location</p>	Air pollution source	Air pollution control device provided
	FBC Boiler of capacity 20.0 TPH	Multi cyclone dust collector followed by Bag filters
	Thermic fluid heaters of capacity 5.0 lakh k.cal/hr, 12.5 lakh k.cal/hr & 6.0 lakh K.cal/hr ;	Chimney to disperser the flue gases
	FBC boiler of Capacity 7.0 TPH	Dust Collector & Bag filter
	Thermo Syphon 1x15 Lakh.k.cal	Mechanical dust collectors fol.by bag filters
	DG sets of 1x1010 KVA, 1x1250KVA	Acoustic enclosure
	The unit has installed online emission monitor system to measure SPM and is connected to APPCB server.	

TableVI.d.2: Stack monitoring at by APPCB on 30.06.2020

Source	SPM measured value	APPCB emission standards
Stack attached to 7 TPH boiler	85.5 mg/Nm ³	115 mg/ Nm ³


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Table VI.d.3: Ambient air quality monitoring by APPCB on 30.06.2020

Source	PM ₁₀ measured value	APPCB standards
Near the main gate within unit premises	90.5 µg/m ³	100 µg/m ³
The unit is complying with stack emissions and ambient air standards. Odour problem was observed in the industry.		
m	Status of installation of online stack monitoring equipment	FBC boilers are connected with continuous online SPM monitors and connected to APPCB servers
n	Status of green belt	Unit has planted trees in vacant spaces and along roads in the unit. The unit has developed green belt to an extent 3.5 to 4.0 acres against APPCB requirement of 5 acres (33%)
O	Hazardous waste generation	5.5 TPD of ATFD salts and ETP sludge are the hazardous wastes generated from the unit. Though there is separate shed but hazardous waste was found lying in ETP area. Oil recovered from ETP is sold to soap manufacturers. Spent earth is disposed to incense sticks manufacturers
p	Actions taken by APPCB during last one year	APPCB has vide order dated 17.01.2020 issued directions for not complying with APPCB discharge and emission standards. The unit was again inspected by APPCB officials on 28.07.2020 and found non-complying. Directions were issued on 28.09.2020. The APPCB has forfeited Bank guarantee of Rs 7.50 lakhs on 28.09.2020 for non compliance of the Board directions.

Overall Compliance status

APPCB issued directions to the unit vide order dated 15.02.2018. Further, the unit is not complying with APPCB directions dated 17.01.2020, no proper effluent transfer system, effluent clogging in drains, flyash and hazardous waste spillage, flyash silo of storage capacity of Two days against requirement of 30 days. Since the unit is partially complying the committee has assessed environmental compensation using CPCB formula $EC=PI \times N \times R \times S \times LF$

S.N	Period of noncompliance	PI	S	LF	R (Rs)	N (days)	Environmental compensation (R)
1	17.01.2020 to 14.10.2020	80	1.5	1	250/-	271	81,30,000/-
EC for violation						271	81,30,000/-
EC levied by APPCB after 17.01.2020							7,50,000/-
Total EC to be paid by unit							73,80,000/-
Rupees Seventy-Three lacs and Eighty thousand Only							

6. Out of seven units operating in the region, five edible oil units raised objections to the committee report. Hon'ble NGT vide order dated 03.02.2021 directed the committee to go into the objections and come with their findings on that aspect.


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In compliance to Hon'ble NGT order 16.03.2020 and 03.02.2021 the following committee was composed:

1. Dr. Suresh Babu Pasupuleti, Scientist-C, Integrated Regional Office (IRO), Ministry of Environment, Forest and Climate Change, Vijayawada
2. Smt. Mahima T, Scientist-D, Central Pollution Control Board, Regional Directorate, Chennai
3. Sri. Rajasekhar, Environmental Engineer, Andhra Pradesh Pollution Control Board, Regional Office Nellore (Nodal agency)

7. The Committee has been vested with the mandate to review the objections raised by the edible oil units on committee report, verify the compliance status. The committee convened a meeting with the edible oil units on 25.03.2021 to understand the issues raised by them. During the meeting the five edible oil units informed the committee members that they have upgraded the treatment units, laid effluent conveyance system and presently are fully complying with all the CFO conditions stipulated by APPCB. In order to verify the ground level implementation of the corrective measures the committee inspected five edible oil units which have filed objections to committee report during 29th to 30th July, 2021.

Post submission of committee report to Hon'ble NGT and assessment of Environmental compensation on erring edible oil units, the units have taken corrective actions on priority. An extract of the committee report pertaining to inspection of M/s. Adani Wilmar Ltd (Unit-II) (M/s. Louis Dreyfus India Pvt. Ltd., (formerly M/s. Louis Dreyfus Commodities India Pvt. Ltd.,) Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District is submitted below:

II.c. Compliance Status of M/s. Adani Wilmar -(Unit-II)

<i>M/s. Adani Wilmar -(Unit-II) Previously M/s. Louis Dreyfus Commodities India Pvt. Ltd., Sy.No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District.</i>		
<i>Status of CFO & Authorizations and its compliance</i>	<i>The CFO and Authorization are valid till 29.02.2024</i>	
<i>Year of Commissioning</i>	<i>2011</i>	
<i>Production capacity</i>		
<i>S.N</i>	<i>Products</i>	<i>Quantity</i>
<i>01</i>	<i>Physical Refining Refined Vegetable Oil (Palm Oil, Palmolein, Palm Stearin)</i>	<i>600 TPD</i>
<i>02</i>	<i>Chemical Refining Refined Vegetable Oil (Soya bean Oil, Sunflower Oil, Groundnut Oil, Rice Bran Oil, Cotton Seed Oil, Mustard Oil, Rapeseed Oil, Sesame Oil)</i>	<i>200 TPD</i>
<i>02</i>	<i>Fractionated Vegetable Oil</i>	<i>800 TPD</i>
<i>03</i>	<i>Interesterified Vegetable Oil</i>	<i>150.0 TPD</i>

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04	Vanaspathi	150.0 TPD
Co-Product		
1	Palmstearin	167.0 TPD
By-products		
1	Distilled Fatty Acids (Physical refining) (Palm Oil, Palm kernel, Palmolein)	48.0 TPD
2	Distilled Fatty Acids (Chemical refining) (Soya bean Oil, Sunflower Oil, Groundnut Oil, Rice Bran Oil, Cotton Seed Oil, Mustard Oil, Rapeseed Oil, Sesame Oil)	0.8 TPD
3	Acid Oil	4.0 TPD
4	Soap Stock	4.0 TPD
5	Acid Sludge	0.6 TPD
6	Gums	9.0 TPD

Parameter	Non-compliances observed by the committee during October, 2020	Present status of the unit during committee visit in July, 2021	Status of compliance
Coal and fly ash storage	Fly ash spillage. Fly ash storage capacity for two days.	New silo of 120 MT is under installation. Presently, the existing silo of 40 MT is under use. The unit is disposing the fly ash on alternate days. Reported that the new silo will be made operational by September, 2021. No fly ash spillage observed.	Yet to comply. Silo is under installation



Fly ash silo work under progress

Effluent treatment	ETP was worn out	The unit has installed an ETP of 200 KLD capacity followed by RO plant of 10 KLH capacity for treatment of LTDS. HTDS effluent is treated in three stage three stage MEE -60 KLD followed by ATFD to meet ZLD. ETP is fully revamped. New MEE plant of 35 KL is installed for treatment of HTDS effluent. Reported that the Cloggings from drains were removed and treated in ETP. Presently storm water drains	complying
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		<p>were clear. Flow meters and totalizer installed.</p> <p>LTDS treatment plant Collection tank → flocculation tank → primary clarifier → primary aeration → secondary aeration → secondary clarifier → collection tank → sand filters → carbon filters → RO plant</p>	
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New MEE plant installed



ETP after revamping



Green belt



Storm water drains are cleaned



Flow meter		Flow meters with totalizers are installed at raw water inlet, ETP inlet, Primary clarifier outlet, RO inlet, RO outlet, MEE outlet.	complying	
Stack emission		The unit has installed online emission monitor system to measure SPM and is connected to APPCB server. Last six months online data was verified and unit is found complying.	Complying	
		Air pollution source		Air pollution control device provided
		FBC Boiler of capacity 20.0 TPH		Multi cyclone dust collector followed by Bag filters
		Thermic fluid heaters of capacity 5.0 lakh k.cal/hr, 12.5 lakh k.cal/hr & 6.0 lakh K.cal/hr ;		Chimney to disperser the flue gases
		FBC boiler of Capacity 7.0 TPH		Dust Collector & Bag filter
	Thermo Syphon 1x15 Lakh.k.cal	Mechanical dust collectors fol.by bag filters		

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		DG sets of 1x1010 KVA, 1x1250KVA	Acoustic enclosure	
Hazardous waste generation	Hazardous waste spillage	5.5 TPD of ATFD salts and ETP sludge are the hazardous wastes generated from the unit and stored in separate shed and disposed to Ramky TSDF, Nellore		Complying

Overall Compliance status

The committee observed that the unit has taken steps for improvement and has complied with the conditions stipulated in CFO and directions issued by APPCB. As per OCEMS records available with APPCB, the unit is found complying with APPCB standards for Particulate Matter. During previous inspection the committee had observed non-compliances w.r.t effluent transfer & its treatment and sludge disposal. Based on these non-compliances observed during committee inspection in October, 2020 environment compensation of Rs. 73.85 Lakhs was assessed for non-compliances during period 17.01.2020 to 13.10.2020. The committee has calculated EC using CPCB formula $EC=PI \times N \times R \times S \times LF$.

The committee submits to Hon'ble NGT to direct the unit to pay EC of Rs. 73.8 lakhs to APPCB for non-compliance during the period 17.01.2020 to 13.10.2020. Presently unit is found complying with all conditions stipulated in CFO. Unit is not discharging effluent outside unit premises. Proper effluent conveyance system is laid and ETP was fully operational.

8. The Hon'ble National Green Tribunal, Southern Bench vide its order dated 11.08.2021 has directed the following:

"Parties are at liberty to file objection, if any, to the Committee report apart from filing their independent reply to the allegations made in the application. In the meantime, the Pollution Control Board is also directed to file the further action taken report on the basis of the observations made by them along with the Committee at the time of the inspection. Parties are directed to file the same on or before 11.08.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules."

9. In order to take action on the industries based on the observations of the Committee and other observations, the APPCB placed the issue before the External Advisory Committee (Task Force) meeting held on 07.09.2021. After detailed discussions, the External Advisory Committee recommended that the edible oil units shall pay the Environmental Compensation as recommended by the NGT Committee, shall comply with all recommendations of the Committee and also to come up with detailed time bound action plan on utilization of surface water. The committee observed that the industries were given several opportunities for compliance and the committee by the NGT after considering the objections have inspected the industries again and finally recommended levying EC and to issue directions. Thus, having already given ample opportunity, the EAC committee recommended to issue directions and to levy


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Environmental Compensation as recommended by the NGT Committee. Accordingly, the A.P. Pollution Control Board has issued directions to M/s. Adani Wilmar Unit- II on 23.09.2021 to pay the Environmental Compensation of Rs.73,80,000/- as recommended by the Joint Committee constituted by the Hon'ble NGT.

10. The Hon'ble National Green Tribunal, Southern Bench vide its order dated 16.09.2021 in the matter of O.A. No. 221/2015 has directed the following:

"5. The Committee is directed to consider these objections and give their opinion regarding the same, so that can also be considered by this tribunal at the time of considering the matter during final hearing.

6. The learned counsel appeal regarding for the Andhra Pradesh Pollution Control Board,(APPCB) submitted certain discussions were made with the units and recommendations have been made to the Board and it is for the Board to take some decision, and if some time is granted, they may be able to file the further action taken report in this regard.

7. The committee as well as the Andhra Pradesh Pollution Control Board must understand the fact that the matter is of the year 2015, and it is pending for last six years now and it will have to be completed at the earliest possible time, as the entire proceedings will have to be completed within six months from the date of application and as per the provisions of the National Green Tribunal Act.

8. The committee as well as the Andhra Pradesh Pollution Control Board (APPCB) are also directed to file their further report as well as further action taken report respectively, to this Tribunal on or before 18.10.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules"

11. The following industries submitted their replies to the directions dated 23.09.2021 issued by the APPCB stating that the matter of Environmental Compensation is pending with the Hon'ble National Green Tribunal, South Zone, Chennai and their submissions are under consideration.

1. M/s. 3F Industries Limited (formerly M/s.Foods Fats & Fertilizers Ltd.)
Sy. No. 1604, Epuru 1-B, Pantapalem (V), Muthukuru (M), SPS Nellore District
2. M/s. South India Krishna Oil & Fats Pvt. Ltd., Sy. No.275, 279, 280 & 281,
Epuru Bit - 1B, Pantapalem Village, Muthukur Mandal, SPSR Nellore District.


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3. *M/s. Adani Wilmar Ltd (Unit-II) (M/s. Louis Dreyfus India Pvt. Ltd., (formerly M/s. Louis Dreyfus Commodities India Pvt. Ltd.)) Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District.*

4. *M/s. Emami Agrotech Limited (formerly M/s. Emami Biotech Limited), Sy. Nos.501, 502/1, 502/2, 503/1, 503/2, 504, 505/2, 507/2, 509/1, 509/2, 510/1 & 510/2, Pantapalem (V), Muthukur (M), SPSR Nellore District.*

12. A virtual meeting was conducted on 04.10.2021 with the representatives of Edible oil industries who have filed objections on the Joint committee report dated. 10.08.2021 submitted to the Hon'ble NGT (SZ). The official's of the Joint committee comprising from MoEF&CC, CPCB and APPCB has attended the virtual meeting. The representatives of the *M/s. Adani Wilmar Ltd (Unit-II)* claimed that they complied in all aspects as per the report dt: 10.08.2021 and the EC was levied. It is clarified that no fresh EC was levied as the industry complied with the conditions. As there are certain non-compliances during previous inspection of the committee, the industry is liable to pay Environmental Compensation. After discussions, the Committee opined that industries has to pay Environmental Compensation as recommended by the Joint Committee in its report dt: 10.08.2021.

13. The Joint committee has recommended the Environmental Compensation after conducting inspection of the industry; the joint committee re-inspected the industries based on the objections raised on the committee report; and the external advisory committee (Task force) of APPCB reviewed the report of the joint committee and recommended to impose Environmental Compensation to the industries. Accordingly, the APPCB vide order dt: 23.09.2021 issued directions to the industries to pay environmental compensation. But the industries are filing their objections without paying the environmental compensation to delay the process.

14. The industries filed their objections in I.A.No.155 of 2021 (SZ), I.A.No.156 of 2021 (SZ), I.A.No.174 of 2021 (SZ) and I.A.No.175 of 2021 (SZ) for staying the direction to pay Environmental Compensation. The Hon'ble NGT heard the case on 24.11.2021 and issued an order with the following directions:

6. *The matters are pending from 2015 onwards we feel that the question of compensation also can be considered by the Tribunal itself, after giving an opportunity to the parties to file their objections to the Joint Committee report.*

7. *The respondents against whom compensation has been imposed by the subsequent Joint Committee report after considering the*


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objections filed by them, they are directed to file their objections to the further Joint Committee report as well as action taken report filed by Andhra Pradesh Pollution Control Board (APPCB) before this Tribunal within a week.

8. In the mean time, we direct the Andhra Pradesh Pollution Control Board (APPCB) to keep the direction to pay the compensation issued against the respondents in abeyance till the next hearing date. The interim order if any passed by this tribunal, if necessary can be extended on the next hearing date. With the above observations I.A.No.155 of 2021 (SZ), I.A. No. 156 of 2021 (SZ), I.A. No.-174 of 2021 (SZ) and I.A. No. 175 of 2021 (SZ) are disposed of.
9. The parties are directed to file their objection to the present report submitted by the Joint Committee as well as the Andhra Pradesh Pollution Control Board (APPCB) regarding the quantum of compensation and also the reasons given by them for reiterating their findings regarding the assessment of compensation on or before 08.12.2021 and get ready with the Original Application on 16.12.2021.
10. The committee as well as the Andhra Pradesh Pollution Control Board (APPCB) are also directed to file their further report to this Tribunal on or before 01.12.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules and get ready with the matter on 16.12.2021.

A copy of the Hon'ble NGT order dated. 24.11.2021 is herewith enclosed as Annexure-I for kind perusal.

15. The Board officials have inspected the edible oil industries on 08.12.2021 & 09.12.2021 and verified the compliance status of the Board directions dated. 23.09.2021 pertaining to M/s. Adani Wilmar Ltd (Unit-II) is submitted below:

Sl.No	Direction	Compliance
1	The industry shall immediately pay the EC of Rs. 73,80,000/-	The Hon'ble NGT vide order dated. 24.11.2021 issued directions to the APPCB to keep the direction to pay the compensation in abeyance till next hearing date.


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2	The industry shall stop procurement of water from the outside agencies which was tapped in illegal manner. They shall meet water requirement from government authorized sources only.	<p>Not complied.</p> <p>The industry is still procuring the water from the outside agencies which was tapped in illegal manner.</p> <p>The APPCB vide lr. dated. 18.11.2021 requested the Collector & District Magistrate, SPSR Nellore district to direct the concerned officials / Departments to stop illegal drawl of water from bore wells, who are supplying water to the edible oil industries in Muthukur Mandal, SPSR Nellore district to prevent ground water depletion in the area.</p> <p>The Collector & District Magistrate strictly directed to the Revenue and Panchayath-raj departments to take immediate action.</p> <p>Subsequently, the industries requested the Nellore Municipal Corporation to provide water. The edible oil industries association Vide lr.dated.07.12.2021 issued consent to the Corporation to prepare DPR for laying of pipeline for supply of water.</p>
3	The industry shall store the spent nickel catalyst safely until its disposal to the authorized re-processors and the unit shall comply with Hazardous Waste Rules, 2016 and shall dispose the hazardous wastes as directed in the consent within 90 days period.	<p>Complied.</p> <p>The industry disposed spent nickel catalyst to the authorised vendor for reprocessing duly following the manifest system.</p>
4	The industry shall not discharge any treated/ untreated effluents into the Budhakuva drain, Pantapalem irrigation channel or into land outside the industry premises.	Complied.
5	The industry shall maintain proper records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of its disposal.	Complied.
6	The industry are purchasing crude palm & sunflower oil locally solvent extraction units in addition to the import from foreign countries. The crude that is locally purchased is not tested for the presence of mineral oil content or Hydrocarbons. The industries shall carry out mineral oil test with every batch of consignment locally procured also. These reports have to be submitted	<p>Complied.</p> <p>The industry is importing crude edible oils and carryout mineral oil test through third party. The industry is not procuring crude edible oil locally.</p>

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	to APPCB along with their compliance report	
7	The industry shall provide online AAQ monitoring station to measure PM10 in the surrounding villages.	Not complied.
8	The porthole provided to the stacks for manual monitoring shall not be utilized for online stack monitors. The units shall ensure that real time data is directly transferred from analyzer to APPCB server without any interface.	Complied.
9	The committee observed fly ash dumped towards North side of M/s Emami Agrotech Limited. All the 7 nos of edible oil industries directed to jointly compact the fly ash and to cover with minimum 10 cm clay / soil cover to prevent ambient dust.	The Krishnapatnam Edible Oils Refiners Association has issued purchase order to cover the area with sand/ Granular Sub Base (GSB) by 28.02.2022 vide P.O. dated. 22.11.2021.
10	The public roads surrounding the industries are in very poor condition due to movement of heavy vehicles. M/s. Emami, M/s. Gemini and M/s. Adani Wilmar Unit shall collectively construct new concrete roads as part of CSR activity.	Not Complied. The access road connecting M/s. Emami and M/s. Adani Wilmar Unit- II is not improved. The industry representative informed that there is a land dispute and temporary improvements are under progress.
11	The industry shall develop green belt all along the boundary and in vacant spaces and ensure that the 33% of total area is covered with green belt. In addition as part of CSR activity the units can take up compensatory green belt in public lands.	Complied.
12	The industry shall ensure that proper segregation of various types of hazardous wastes and provide provision with leachate collection.	Complied. The industry stored the hazardous wastes in a closed room.
13	The industry shall ensure that the storm water drainage system as below: I. Entire effluent, including floor washings, spillages etc. shall be sent to the ETP through pipes. II. The first flush of storm water for the first 15 minutes shall be collected and routed to the ETP. iii. There shall not be any entry of contaminated wastewater into the storm water drains.	Partially Complied. i) Complied ii) The industry is routing the 1 st flush of the storm water into the storm water drains and provided pumps in the storm water drain to transfer to the ETP. iii) The industry is maintaining dry condition in the storm water drains during non-rainy days.
14	The industry shall scrupulously comply with all other recommendations made by the joint committee in its reports dt: 01.12.2020 and 10.08.2021.	Partially Complied. The industry complied with the issues pertaining to the individual industry but not yet complied with the directions pertaining to the all units such as raw water, clay / soil cover over the ash


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		dumped in the vacant area, CAAQM station in the nearby village.
15	The industry shall extend the existing bank guarantee for further period of one year.	The bank guarantee of Rs.12,50,000/- submitted by the industry is valid upto 25.03.2022. The representative informed that the Bank Guarantee will be extended before expiry.

In view of the above, it is humbly submitted that the Hon'ble National Green Tribunal to issue directions to M/s. Adani Wilmar Ltd (Unit-II) to pay the Environmental Compensation and implement the directions dt: 23.09.2021 without any delay.

Date: 20.12.2021


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Item No.13:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 221 of 2015 (SZ) &
I.A. Nos 155 & 156 of 2021 (SZ) &
I.A. Nos. 174 & 175 of 2021 (SZ)
(Through Video Conference)

IN THE MATTER OF:

Isanaka Vedavathi,
H.No. 16-4-966, Pinakini Avenue,
Near Apollo Hospital,
Nellore – 524 003.



Versus

सत्यमेव जयते

... Applicant(s)

Union of India
Rep. by its Secretary,
Ministry of Environment, Forest & Climate Change,
New Delhi and Ors.

... Respondent(s)

Date of hearing: 24.11.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Smt. Me. Saraswathy for R1.
Smt. Madhuri Donti Reddy for R2 to R4.
Mr. C. Seethapathy along with
Mr. P.R. Raman for R5.
Mr. D. Sreenivasan for R6 & R7
Ms. Sneha Parthasarathy represented
Mrs. Aparajitha Vishwanath for R8/I.A. No.
156/2021
Mr. M. Ravindran Sr. Advocate along with
Mr. D. Srinivasan for R9/I.A. No. 175/2021
Mr. M. Ravindran Sr. Advocate along with
Mr. D. Srinivasan for R10/I.A. No. 174/2021
Mr. Radhakrishnan Sr. Advocate along with

Mr. D. Sreenivasan for R10
Mr. Raghavan Ramabadran represented
M/s. Lakshmi Kumaran & Sridharan Attorney, R.
Raghavan for R11/ I.A. No.155/2021

ORDER

1. As per order dated 11.08.2021, this Tribunal had considered the conclusion portion of the Joint Committee report dated 10.08.2021 which was extracted in Para (3) of the order and posted the case to 16.09.2021 for filing their objection to the same. On 16.09.2021, this Tribunal had directed the committee to go into the objections filed by the respondents 9 and 10 to the earlier report and also directed the 11th respondent to file their objections before this Tribunal within a week and to serve a copy of the same to the Joint Committee and directed the Joint Committee to consider that objection also and then posted the case to 18.10.2021 for consideration of further action taken report. On 18.10.2021, the matter has been adjourned to today by notification.
2. There was no representation for the applicant.
3. The Joint Committee has filed a further report in compliance with the order dated 16.09.2021 dated Nil. e-filed on 23.11.2021 and received today (24.11.2021) which reads as follows:-

1. Preamble

Seven Edible Oil Industries are operating in Krishnapatnam Port region in SPSR Nellore district. The applicant Smt. Isanaka Vedavathi submitted a representation stating that pollution has been caused by edible oil units. Hon'ble National Green Tribunal Southern Bench vide order dated 16.03.2020 appointed a joint committee comprising of (1) a Senior Officer from the Central Pollution Control Board, Regional Office, Chennai (2) Senior Officer from the Regional Office of MoEF&CC, Chennai and (3) Senior Scientist from Andhra Pradesh Pollution Control Board to ascertain the status of functioning of edible oil refinery units at Krishnapatnam. In compliance to Hon'ble NGT order dated 16.03.2020, the committee inspected the edible oil units in October, 2020 and submitted the report during December, 2020. Out of seven units operating in the region, five edible oil units raised objections to the committee report. Hon'ble NGT vide order dated 03.02.2021 directed the committee to go into the objections and come with their findings on that aspect. Copy of Hon'ble NGT order dated 03.02.2021 is placed as Annexure-I.

In compliance to Hon'ble NGT order 16.03.2020 and 03.02.2021 the following committee was composed:

1. Dr. Suresh Babu Pasupuleti, Scientist-C, Integrated Regional Office (IRO), Ministry of Environment, Forest and Climate Change, Vijayawada.
2. Smt. Mahima T, Scientist-D, Central Pollution Control Board, Regional Directorate, Chennai.
3. Sri. Rajasekhar, Environmental Engineer, Andhra Pradesh Pollution Control Board, Regional Office, Nellore (Nodal agency).

The Committee has been vested with the mandate to review the objections raised by the edible oil units on committee report, verify the compliance status. The committee convened a meeting with the edible oil units on 25.03.2021 to understand the issues raised by them. During the meeting the five edible oil units informed the committee members that they have upgraded the treatment units, laid effluent conveyance system and presently are fully complying with all the CFO conditions stipulated by APPCB. In order to verify the ground level implementation of the corrective measures the committee inspected five edible oil units which have filed objections to committee report during 29th to 30th July, 2021.

The committee after ascertaining the ground level implementation of the action plan, the committee submitted second report during August, 2021.

Committee Report in the matter of OA 221/2015 (SZ)

The Hon'ble NGT vide order dt: 11.08.2021 issued order that "Parties are at liberty to file objection, if any, to the Committee report apart from filing their independent reply to the allegations made in the application. In the meantime, the Pollution Control Board is also directed to file the further action taken report on the basis of the observations made by them along with the Committee at the time of the inspection. Parties are directed to file the same on or before 11.08.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules." Copy of Hon'ble NGT order dated 11.08.2021 is placed as **Annexure-II**.

Accordingly, the APPCB vide order dt: 23.09.2021 issued directions to the edible oil units based on the observations and recommendations of the Committee and directed 5nos. of edible oil units to pay the environmental compensation to the APPCB within a week. Copies of the directions issued to the edible oil industries are herewith enclosed as **Annexure - III**.

In the meanwhile, four industries again submitted objections to Hon'ble NGT against the second report of the committee, which was submitted during August,2021. Hon'ble NGT vide order dated 16.09.2021 directed the committee to consider the objections and to give the opinion on the same and to file further report as well as action taken report by 18.10.2021. Copy of Hon'ble NGT order dated 16.09.2021 is placed as **Annexure-IV**.

2. Action taken by the Committee:

The Joint committee conducted a virtual meeting with the Edible oil industries, Krishnapatnam Port area, SPSR Nellore District on 04.10.2021. During the meeting, the committee interacted with all four industries that have raised objections to the committee report. The committee reviewed the objections filed by the edible oil industries by the individual industries on the joint committee report dated 10.08.2021. In compliance to Hon'ble NGT directions, the committee has considered the objections raised by the industries and same is summarized in table 1. During committee inspection the industry representatives were also present. The committee has explained the about non-compliances observed during inspection to the industry representatives for which the industry representatives assured to the committee members that they shall take corrective actions.

Table 1: Review of objections raised by the industry against committee report of December, 2020.

Sl.No	Objection raised by the industry	Decision of the committee	Remarks
<u>I. M/s. 3F Industries Limited</u>			
1	Objected regarding constitution of the committee and mentioned that all 7 units were inspected in a single day.	The committee was constituted by Hon'ble NGT and committee was composed based on the nominations received by respective departments of APPCB, CPCB & MoEF&CC. The committee convened online meetings and inspected the units in detail in two days. In addition APPCB has carried out ambient air quality and source emission monitoring	Objection need not be considered.
2	Claimed that all units of the ETP are in operation, 7 fat traps provided, storm water drains are in dry condition, spillage of oil observed mainly at tank form area due to pump seal leaks and tank form is built on concrete floor.	On the day of committee inspection, the ETP was not in operation; oil was spilled all over the plant and in tank form area and ETP areas; There was no proper effluent transfer system from production block to ETP and storm water drains were used for transfer of effluent instead of closed conduits. Storm water drains were clogged and filled with oil waste. Though the unit had installed seven traps but they were not adequate and were not effectively functioning due to which thick oil deposition was observed in ETP components and ETP was not in operation. Photos taken during inspection were submitted along with earlier committee reports	Non-complying during committee inspection. Objection need not be considered
3	Reported that they are installing an advance version of skimmer for removal of oil or solids through DAF system.	The committee first inspected the units during October, 2020 and second inspection was carried out during July, 2021. Even after a lapse of nine months, unit had not	DAF system for oil skimming not installed at the time of committee inspection.

Committee Report in the matter of OA 221/2015 (SZ)

		installed DAF system by the time of inspection. The unit reported that they have placed the order for procurement of DAF.	Found Non-complying during inspection. Objection need not be considered
4	Claimed that they are spent nickel catalyst to the authorized reproprocessors who are selling to their unit.	During inspection, the unit is not able to produce the records i.e. Manifest pertaining to disposal of spent nickel catalyst to authorized re-processors. As per the HWM Rules, 2016, the unit shall dispose the hazardous wastes within 90 days.	Non-complying during inspection. Objection need not be considered
5	Disposing fullers earth to authorized incense manufacturers.	Fullers earth and oil recovered from ETP are bye products of the unit. The bye-products shall be either utilized for further beneficial purposes or disposed safely. The unit is supposed to maintain records for fullers earth (by-product) generated and oil recovered from the ETP and its mode of its disposal. The unit informed that they are disposing fullers earth to incense sticks manufacturers and soap industries, however no records were made available to committee on its utilization or disposal.	Objection need not be considered
6	The unit informed that they installing new equipment in the ETP which will be commissioned by end of September,2021.	The committee reported the status of the unit as on date of inspection i.e.30.07.2021, during which ETP was not in operation.	Objection need not be considered
7	Requested to reject the joint committee report and set aside the fine of Rs.1,10,06,000/- levied without basis.	The committee inspected the industry in detail and calculated the Environmental Compensation as per the formula given by the CPCB. The unit is filing their objections to delay the payment of the Environmental Compensation.	Objection need not be considered. Committee submits to Hon'ble NGT to direct the unit to pay EC of Rs. 1,10,06,000/- to APPCB.

Committee Report in the matter of OA 221/2015 (SZ)

<u>M/s. South India Krishna Oil & Fats Pvt. Ltd.</u>			
8	The industry reported that they are in the process of improving the storm water drains, issued work order for rain water harvesting system and placed order for oil & grease skimmer.	The industry is supposed to maintain the storm water drains in such a way that they shall be in dry condition during sunny days and storm water shall not get contaminated with rain water. But, on the day of inspection, there is no rain but contaminated effluent was present in the storm water drain. Rain water harvesting system not yet completed. Further, oil & grease skimmer also not yet provided. Hence the committee recommended the unit to improve wastewater handling and also reported as partially complied.	Partially complied during committee inspection. Objection need not be considered
9	The industry reported that they have provided odour control system.	The committee observed severe odour nuisance within the premises and the same was reported. However the unit assured the committee that corrective measures shall be taken and odour will be controlled.	Objection need not be considered
10	Objected the levy of Environmental Compensation of Rs. 1,05,86,000/-	The unit is partially complying but unit is in the process of implementing corrective measures. As there is some improvement and some more improvements are under progress, the committee has considered R factor as Rs. 100/- only.	Objection need not be considered. Unit was partially complying during committee inspection. EC is assessed till compliance is achieved. EC of Rs.1,05,86,000/- is assessed as per CPCB formula considering the improvements made by the unit.

Committee Report in the matter of OA 221/2015 (SZ)

M/s. Emami Agrotech Limited			
11	Objected regarding constitution of the committee and mentioned that all 7 units were inspected in a single day.	The representatives of the APPCB, CPCB & MoEF&CC inspected the units as nominated by the respective organizations. The committee inspected the units in detail in two days.	Objection need not be considered.
11	The industry claimed that they complied in all aspects as per the report dt: 10.08.2021 and the EC was levied.	It is clarified that no fresh EC was levied as the industry complied with the conditions. As there are certain non-compliances during previous inspection of the committee, the industry is liable to pay Environmental Compensation of Rs. 1,32,50,000/- to APPCB.	Unit is one of the reputed & largest industry in the region. In spite of directions & notices issued by APPCB, unit was found non-complying during first inspection of the committee. EC was assessed as per CPCB formula. Objection need not be considered.
M/s. Adani Wilmar Ltd (Unit-II) (Formerly M/s. Louis Dreyfus India Pvt. Ltd.,)			
12	The industry claimed that they complied in all aspects as per the report dt: 10.08.2021 and the EC was levied.	It is clarified that no fresh EC was levied as the industry complied with the conditions. As there are certain non-compliances during previous inspection of the committee, the industry is liable to pay Environmental Compensation.	Objection need not be considered.

During meeting, the joint committee members has reviewed individual unit and explained about their violations observed in detailed manner and directed to pay the environmental compensation as per the directions of the Hon'ble NGT.

The representatives of the edible oil industries informed that they have complied with violations observed by the Joint committee during their inspections held during 29th to 30th October, 2020 and 29th to 30th July, 2021. Since the industries have taken corrective measures and are currently complying with the stipulated standards and with the directions issued by APPCB, on these grounds the industries requested the Joint committee to waive-off the Environmental Compensation.

Committee Report in the matter of OA 221/2015 (SZ)

The committee reviewed the objections filed by the edible oil industries by the individual industries on the joint committee report dated 10.08.2021. The representatives of M/s. Gemini, M/s. Emami and M/s. Adani (Unit-1) informed that they have complied with the directions and conditions insisted by the APPCB. The Committee clarified that the Environmental Compensation is for the earlier period but not for the recent period. APPCB are regularly monitoring the industries and have issued directions vide order dated 15.02.2018 and 16.02.2018.

Further APPCB has inspected the industries and issued modified directions on 17.01.2020. The committee inspected the units during October, 2020 and found that the units are yet to comply with Directions issued by APPCB. The committee has assessed Environmental Compensation for the non-compliance during January, 2020 to October, 2020. In compliance to Hon'ble NGT directions dated 03.02.2021 and 16.09.2021, the industries have presently cleaned the drains, separated storm water drains and effluent drains, not discharging effluent into storm water drains, oily sludge removed from drains. The committee submits that present compliance of the industries can't be considered or represented as the units were complying with APPCB directions during January to October, 2020. Hence the committee humbly submits to Hon'ble NGT to direct the industries to pay Environmental Compensation to APPCB as briefed in table 2.

Table 2 :

Sl. No	Name of the Unit	EC to be paid in INR
1	M/s Gemini Edibles & Fats India Pvt. Ltd	66,00,000/-
2	M/s Emami Agrotech Limited	1,32,50,000/-
3	M/s. Adani Wilmar -(Unit-II)	73,80,000/-
4	M/s South India Krishna Oil & Fats Pvt. Ltd	1,05,86,000/-
5	M/s. 3F Industries Limited (Formerly Foods fats & Fertilizers Ltd.,)	1,10,06,000/-

Sri G. Prathap, Director of M/s. Gemini Edible oil industries Pvt. Ltd., representing the Edible oil association has submitted that they are consistently improving the industries and also solving the common issues. He informed that they had a meeting with the District Administration & Municipal Corporation authorities for procurement of raw water. The association is in positive to work together with authorities for procurement of water to overcome this problem. The work is under progress.

The committee observed that the industries have taken lot of corrective measures within a short time. Significant positive changes such as rain water harvesting pits and complete recharge of ground water, installation of additional fat traps for efficient oil recovery etc., are implemented by the industries for Environmental Protection.

The industries collectively agreed to take up additional tree plantation. The committee has identified the efforts made by the industry which will benefit both industries as well as surrounding during the committee visit, the industries are liable to pay Environmental Compensation as recommended in the Joint Committee report dated. 10.08.2021.

Finally, the joint committee has opined that the Environmental Compensation as recommended by the Joint Committee in its report dt: 10.08.2021 and directions issued by the APPCB dt. 23.09.2021.

Prayer: *The Committee humbly submits the Hon'ble national Green Tribunal to direct the edible oil industries to Joint Committee in its report dt: 10.08.2021 and implement the directions issued by the APPCB vide order dt. 23.09.2021."*

4. The Andhra Pradesh Pollution Control Board (APPCB) also filed an action taken report dated 17.11.2021, e-filed on 23.11.2021 and received today (24.11.2021) which reads as follows:

Action taken report:

In the matter of OA 221/2015 filed by Smt. Isanaka Vedavathi, R/o. Daruvulapalem, Muthukur Mandal, SPSR Nellore District, in compliance to Hon'ble NGT directions dated 16.03.2020 & 29.09.2020, the Joint Committee inspected seven edible oil units during 13.10.2020 to 14.10.2020 and submitted the report to the Hon'ble National Green Tribunal during December, 2020. Five edible oil units raised objections to the committee report. Hon'ble NGT vide order dated 03.02.2021 directed the committee to go into the objections and come with their findings on that aspect. In order to verify the ground level implementation of the corrective measures, the committee reinspected five edible oil units during 29th to 30th July, 2021 which have filed objections to committee report and submitted report to the Hon'ble NGT on 10.08.2021 through e-filing.

The Hon'ble National Green Tribunal, Southern Bench vide its order dated 11.08.2021 has directed the following:

“Parties are at liberty to file objection, if any, to the Committee report apart from filing their independent reply to the allegations made in the application. In the meantime, the Pollution Control Board is also directed to file the further action taken report on the basis of the observations made by them along with the Committee at the time of the inspection. Parties are directed to file the same on or before 11.08.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.”

A copy of the Hon'ble NGT order is herewith enclosed as Annexure-I for kind perusal.

In order to take action on the industries based on the observations of the Committee and other observations, the APPCB placed the issue before the External Advisory Committee (Task Force) meeting held on 07.09.2021.

After detailed discussions, the External Advisory Committee recommended that the edible oil units shall pay the Environmental Compensation as recommended by the NGT Committee, shall comply with all recommendations of the Committee and also to come up with detailed time bound action plan on utilization of surface water. The committee observed that the industries were given several opportunities for compliance and the committee by the NGT after considering the objections have inspected the industries again and finally recommended levying EC and to issue directions. Thus, having already given ample opportunity, the EAC committee recommended to issue following directions and to levy Environmental Compensation as recommended by the NGT Committee.

Accordingly, the A.P. Pollution Control Board has issued directions to the edible oil industries on 23.09.2021 in which the unit shall pay the Environmental Compensation as recommended by the Joint Committee constituted by the Hon'ble NGT. Copies of the directions issued to the edible oil industries are herewith enclosed as annexure-III for kind perusal.

Based on the directions issued by the APPCB, the following edible oil units has to pay environmental compensation to APPCB as below:

Sl. No

Name of the Edible oil industry

Environmental Compensation to be paid

M/s. Gemini Edibles & Fats India Pvt. Ltd Rs. 66,00,000/-

M/s. Emami Agrotech Limited Rs.1,32,50,000/-
M/s. Adani Wilmar -(Unit-II) Rs. 73,80,000/-
M/s. South India Krishna Oil & Fats Pvt. Ltd Rs.1,05,86,000/-
M/s. 3F Industries Limited
(Formerly Foods fats & Fertilizers Ltd.,) Rs.1,10,06,000/-

The Hon'ble National Green Tribunal, Southern Bench vide its order dated 16.09.2021 in the matter of O.A. No. 221/2015 has directed the following:

The Committee is directed to consider these objections and give their opinion regarding the same, so that can also be considered by this tribunal at

the time of considering the matter during final hearing. . The learned counsel appeal regarding for the Andhra Pradesh Pollution Control Board,(APPCB) submitted certain discussions were made with the units and recommendations have been made to the Board and it is for the Board to take some decision, and if some time is granted, they may be able to file the further action taken report in this regard.

. The committee as well as the Andhra Pradesh Pollution Control Board must understand the fact that the matter is of the year 2015, and it is pending for last six years now and it will have to be completed at the earliest possible time, as the entire proceedings will have to be completed within six months from the date of application and as per the provisions of the National Green Tribunal Act. The committee as well as the Andhra Pradesh Pollution Control Board (APPCB) are also directed to file their further report as well as further action taken report respectively, to this Tribunal on or before 18.10.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules”

Copy of the Hon'ble NGT order is enclosed as Annexure-II.

The following industries submitted their replies to the directions dated 23.09.2021 issued by the APPCB stating that the matter of Environmental Compensation is pending with the Hon'ble National Green Tribunal, South Zone, Chennai and their submissions are under consideration.

It is pertaining to mention that the following industries have made objections on the Joint Committee report dated. 10.08.2021.

. M/s. 3F Industries Limited (formerly M/s.Foods Fats & Fertilizers Ltd.)
Sy. No. 1604, Epuru 1-B, Pantapalem (V), Muthukuru (M), SPS Nellore District

. M/s. South India Krishna Oil & Fats Pvt. Ltd., Sy. No.275, 279, 280 & 281, Epuru Bit – 1B, Pantapalem Village, Muthukur Mandal, SPSR Nellore District.

M/s. Adani Wilmar Ltd (Unit-II) (M/s. Louis Dreyfus India Pvt. Ltd., (formerly M/s. Louis Dreyfus Commodities India Pvt. Ltd.,) Sy. No.1601, Epuru Bit-1B, APIIC, Pantapalem (V), Muthukur (M), SPSR Nellore District.

. M/s. Emami Agrotech Limited (formerly M/s. Emami Biotech Limited), Sy. Nos.501, 502/1, 502/2, 503/1, 503/2, 504, 505/2, 507/2, 509/1, 509/2, 510/1 & 510/2, Pantapalem (V), Muthukur (M), SPSR Nellore District.

A virtual meeting was conducted on 04.10.2021 with the representatives of Edible oil industries who have filed objections on the Joint committee report dated. 10.08.2021 submitted to the Hon'ble NGT (SZ). The official's of the Joint committee comprising from MoEF&CC, CPCB and APPCB has attended the virtual meeting. After discussions, the Committee opined that industries has to pay Environmental Compensation as recommended by the Joint Committee in its report dt: 10.08.2021.

It is to submit that the Joint committee has recommended the Environmental Compensation after conducting inspection of the industry; the joint committee reinspected the industries based on the objections raised on the committee report; and the external advisory committee (Task force) of APPCB reviewed the report of the joint committee and recommended to impose Environmental Compensation to the industries. Accordingly, the APPCB vide order dt: 23.09.2021 issued directions to the industries to pay environmental compensation. But the industries are filing their objections without paying the environmental compensation to delay the process. Hence, it is humbly submitted that the Hon'ble National Green Tribunal to issue directions to the edible oil industries to pay the Environmental Compensation and implement the directions dt: 23.09.2021 without any delay.

5. The respondents 8 to 11 have filed I.A. No. 155 of 2021 (SZ), I.A. No. 156 of 2021 (SZ), I.A. No. 174 of 2021 (SZ) and I.A. No. 175 of 2021 (SZ) respectively for staying the direction to pay compensation received

from the Andhra Pradesh Pollution Control Board (APPCB) during the pendency of the ongoing application.

6. The matters are pending from 2015 onwards we feel that the question of compensation also can be considered by the Tribunal itself, after giving an opportunity to the parties to file their objections to the Joint Committee report.
7. The respondents against whom compensation has been imposed by the subsequent Joint Committee report after considering the objections filed by them, they are directed to file their objections to the further Joint Committee report as well as action taken report filed by Tamil Nadu Pollution Control Board (TNPCB) before this Tribunal within a week.
8. In the mean time, we direct the Andhra Pradesh Pollution Control Board (APPCB) to keep the direction to pay the compensation issued against the respondents in abeyance till the next hearing date. The interim order if any, passed by this Tribunal, if necessary can be extended on the next hearing date. **With the above observations I.A. No. 155 of 2021 (SZ), I.A. No. 156 of 2021 (SZ), I.A. No. 174 of 2021 (SZ) and I.A. No. 175 of 2021 (SZ) are disposed of.**
9. The parties are directed to file their objection to the present report submitted by the Joint Committee as well as the Andhra Pradesh Pollution Control Board (APPCB) regarding the quantum of compensation and also the reasons given by them for reiterating their

findings regarding the assessment of compensation on or before **08.12.2021** and get ready with the Original Application on **16.12.2021**.

10. The committee as well as the Andhra Pradesh Pollution Control Board (APPCB) are also directed to file their further report to this Tribunal on or before **01.12.2021** by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules and get ready with the matter on 16.12.2021.

11. The Registry is directed to communicate this order to the official respondents immediately through e-mail, so as to enable them to comply with the direction.

12. For objections (if any) to the report, consideration of further report and also for hearing, post on **16.12.2021**

Sd/-

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

Sd/-

.....E.M.
(Dr. K. Satyagopal)

O.A. No.221/2015 &
I.A. Nos.155 & 156/2021 &
174& 175/2021(SZ)24.11.2021. Sr.