

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

APPEAL No. 78 OF 2022 (SZ)

IN THE MATTER OF:

M/s. Aadeshwar Traders,
Rangareddy District

....

Appellant (s)

Versus

The Telangana State Pollution Control Board,
rep by its Member Secretary,
Hyderabad & Others

....

Respondent(s)

REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD (R1)

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Place: Hyderabad.

Date: 24-03-2023.

T.Sai Krishnan

Counsel for R1

Report dated: 23.03.2023 of the Telangana State Pollution Control Board in Appeal No. 78 of 2022 filed by M/s. Aadeshwar Traders, Rangareddy District

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M/s. Aadeshwar Traders (Formerly Vensai Metals), Sy.No.115, Vattinagulapally (V), Gandipet (M), Rangareddy District representative by its managing partner Sri Y.G.Ravi Teja Reddy has filed an appeal No. 78 of 2022 before the Hon'ble NGT, South Bench against the orders dated 12.11.2022 issued by the Board imposing Environmental Compensation of Rs.49,30,000/- and praying the Hon'ble Tribunal to set aside the same.

In this regard, the following is submitted:

1. M/s. Aadeshwar Traders (Formerly Vensai Metals), Sy.No.115, Vattinagulapally (V), Gandipet (M), Rangareddy District has established crushing unit and operating since July 2019.
2. The Board Officials inspected the crushing unit on 25.07.2019 and observed that the crushing unit was operating without consents of the Board required under Water and Air Acts. Subsequently, vide order dated 22.08.2019, the Board issued closure orders and power disconnection orders to the crushing unit.
3. Based on the observations by the Board Officials during its inspections also during joint inspections along with Revenue Department, the operation of the crushing unit was recorded and taken into the account of no. of days of which violation took place is mentioned below:

Operation of unit observed on	25.07.2019	No. of days of violation is 919 days
Closure Orders issued on 22.08.2019, but power was not disconnected	---	
Seizure of crusher during Joint Inspection of Revenue, TSPCB and Mining Officials on	28.01.2022	
Reinstallation and operation observed on	08.06.2022	No. of days of violation is 135 days
Seized on	21.10.2022	
Covid lockdown period exempted	From 25.03.2020 to 31.05.2020	68 days
Total no. of violating days		986

4. The Board issued show cause cum legal hearing notice on 31.10.2022 and reviewed the industries before Task force committee at TSPCB, Zonal Office, Hyderabad on 07.11.2022 and issued directions levying environmental compensation based on methodology developed by the CPCB. i.e., Environmental Compensation (EC) = $PI \times N \times R \times S \times LF$.

PI – Pollution index of industrial sector
N - No of days of violation took place
R – A factor in Rupees for EC

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S – Factor for scale of operation

LF – Location factor

By adopting the above formula with PI(Pollution index of industrial sector) as 50 for Orange Category unit, R(A factor in Rupees for EC) as 250, S(Factor for scale of operation) as 0.5 for small scale units, LF(Location factor) as 1.0 for city population is >1.0 million within 10 km radius of the industry, the Environmental Compensation amounted to Rs.6,250/- per day. The Board has issued directions levying environmental compensation on 09.11.2022 considering the Environmental Compensation to be Rs.6,250/- per day.

5. Subsequently, the appellant industry has submitted representations stating that, their units are Micro/Small scale industries and requested to reconsider & reduce the Environmental Compensation amount. The matter was reviewed by the Task Force committee of the Board comprising of the External Expert Members on 11.11.2022. Based on the review, Environmental Compensation was calculated considering 'R' factor as 150 and 'PI' (Pollution Index) as 45. However, the Environmental Compensation amount with above factors was less than the minimum compensation amount i.e., Rs. 5000 per day stipulated in the guidelines. Hence, the Environmental Compensation was calculated based on the minimum compensation amount considering the no. of violation days by appellant stone crushing unit and accordingly issued directions vide dated: 12.11.2022 levying Environmental Compensation of Rs.49,30,000/-.
6. The Hon'ble NGT vide order dated 03.01.2023 in Appeal No. 78 of 2022 stated following:
"As interim order is not sought for to show the bonafide, let the appellant deposit 50% of the environmental compensation awarded with the Telangana State Pollution Control Board within a period of 8 (Eight) weeks, failing which, the stay granted would automatically be vacated without further reference to this Tribunal."
7. The Board issued notice dated 10.01.2023 and directions dated 10.02.2023 to the appellant crushing unit with a direction to deposit 50% of Environmental Compensation within 8 weeks from the date of the order of the Hon'ble NGT Order dated 03.01.2023 in the Environmental Compensation fund account bearing No.39271613872, SBI Bank, Hyderabad.
8. In compliance with the Hon'ble NGT Order dated 03.01.2023, the appellant industry has deposited Rs.24,65,000/- i.e., 50% of total amount Rs.49,30,000/- into the Environmental Compensation fund account on 03.03.2023 i.e., within 8 weeks from the Hon'ble NGT Orders.

Date:23.03.2023

Place: Hyderabad





TELANGANA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE - I, RANGAREDDY DISTRICT
H.No.6-3-1219, Block C, Ward No.91, 2nd Floor, Backside of Country
Club, Kundanbagh, Umanagar, Begumpet, Hyderabad - 500016.

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Annexure - I

M. Venkat Narsu,
Environmental Engineer

Email:ee-rr1-tspcb@telangana.gov.in

Lr.No.App.78 of 2022/TSPCB/RO-RR1/2023- 1320

Date: 10.01.2023

NOTICE

Sub: TSPCB – RO, RRD – M/s Aadeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals), Vattinagulapally(V), Gandipet(M), Rangareddy District – Appeal No. 78 of 2022 in Hon'ble NGT - Payment of Environmental compensation as per Hon'ble NGT orders- NOTICE- Reg.

- Ref:
1. OA No.6 of 2022 filed by Sri P.V.Subramanya Varma, S/o. Sri Achuta Ramaraju, R/o. Khairathabad, Hyderabad in Hon'ble NGT.
 2. Hon'ble NGT Orders in OA No.6 of 2022 dated 17.01.2022 & 14.10.2022.
 3. Environmental Compensation orders dated: 09.11.2022
 4. Revised Environmental Compensation orders dated: 12.11.2022
 5. Appeal No. 78 of 2022 in Hon'ble NGT by M/s Aadeshwar Traders, Rangareddy District.
 6. Hon'ble NGT Orders Dt.03.01.2023.

* * *

WHEREAS, you are operating a crusher in the name of M/s Aadeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals), Vattinagulapally(V), Gandipet(M), Rangareddy District.

WHEREAS, pursuant to the Hon'ble NGT Orders in OA No.6 of 2022 filed by Sri P.V.Subramanya Varma, S/o. Sri Achuta Ramaraju, R/o. Khairathabad, Hyderabad, the Board, vide reference 4th cited, has issued directions levying Environmental compensation of Rs.49,30,000/- to the M/s Aadeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals), Vattinagulapally(V), Gandipet(M), Rangareddy District.

WHEREAS, M/s Aadeshwar Traders, Rangareddy District, vide reference 5th cited, has appealed against the Board's Direction Dt.12.11.2022 through Appeal No. 78 of 2022 in Hon'ble NGT, Chennai. The Hon'ble NGT in its order Dt.03.01.2023 stated following:

"As interim order is not sought for to show the bonafide, let the appellant deposit 50% of the environmental compensation awarded with the Telangana State Pollution Control Board within a period of 8 (Eight) weeks, failing which, the stay granted would automatically be vacated without further reference to this Tribunal.

In this regard, you are hereby directed to deposit 50% of the environmental compensation within a period of 8 (Eight) weeks as per Hon'ble NGT order.

Sainivay 21/01/2023
7396312224

To
M/s Adeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals),
Vattinagulapally(V),
Gandipet(M),
Rangareddy District

ENVIRONMENTAL ENGINEER
ENVIRONMENTAL ENGINEER
Telangana State POLLUTION CONTROL
BOARD REGIONAL OFFICE - I,
RANGA REDDY DISTRICT.

Copy submitted to the Member Secretary, Board Office, Hyderabad for information.
Copy submitted to the JCEE (Legal), Board Office, Hyderabad for information
Copy submitted to the JCEE, Zonal Office, Begumpet, Hyderabad for information.

DESPATCHED
On 10/01/2023



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Annexure - II

TELANGANA STATE POLLUTION CONTROL BOARD
ZONAL OFFICE: HYDERABAD

H.No.6-3-1219, TS No.1 Part, Block - C, Ward No.91, Near Country Club,
Uma Nagar, Begumpet, Hyderabad. Phone: 040-23402463
Email: jcee-zhyd-tspcb@telangana.gov.in

BY REGD. POST WITH ACK. DUE

Order No.15-RR-I/TSPCB/ZO-HYD/TF/2022-1975

Date:10.02.2023

Sub: TSPCB – ZO, HYD – M/s. Adeshwar Traders (Formerly M/s. Vensai metals or M/s. Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District – Causing of damage due to operation of the unit – Directions issued to deposit the Environmental Compensation– Reg.

- Ref:**
1. Inspection of Board Officials on 25.07.2019.
 2. Closure Order issued on 22.08.2019.
 3. The TSPCB, Regional Office-I, Rangareddy District Report dated 28.09.2020 in WP No. 12022 of 2020
 4. The TSPCB, Regional Office-I, Rangareddy District Letter addressed to Tahsildhar, Gandipet dated 02.12.2019, 08.10.2020 & 01.11.2021
 5. Seizure of crusher during Joint Inspection of Revenue, TSPCB and Mining Officials on 28.01.2022.
 6. OA No.6 of 2022 filed by Sri P.V.Subramanya Varma, S/o. Sri Achuta Ramaraju, R/o. Khairathabad, Hyderabad in Hon'ble NGT.
 7. Hon'ble NGT Order dated 17.01.2022
 8. Inspection of Joint Committee constituted by Hon'ble NGT on 31.03.2022
 9. Inspection of the Board Officials on 08.06.2022
 10. Letter addressed to the District Collector on 27.06.2022 & 01.09.2022
 11. Hon'ble NGT Order dated 14.10.2022.
 12. The crusher unit seized on 21.10.2022.
 13. Memo No.3/NGT-Chennai/TSPCB/Legal/2022-87, dated 29.10.2022.
 14. Status report submitted by the TSPCB, Regional Office-I, Rangareddy District on 31.10.2022.
 15. Order No.15-RR-I/TSPCB/ZO-HYD/TF/2022-1148, dt:31.10.2022.
 16. Personal hearing held before the Task Force committee at Zonal Office, Hyderabad on 07.11.2022.
 17. T.O. Order No.15-RR-I/TSPCB/ZO-HYD/TF/2022-1202, Dated:09.11.2022.
 18. Industry's representation dt.10.11.2022.
 19. The Task Force committee meeting held on 11.11.2022 at Zonal Office, Hyderabad.
 20. T.O. Order No.15-RR-I/TSPCB/ZO-HYD/TF/2022-1239, Dated:12.11.2022.
 21. Hon'ble, NGT order dt.03.01.2023 in appeal No.78 of 2022.

* . * *

1. **WHEREAS**, you are operating a crusher in the name of M/s. Adeshwar Traders (Formerly M/s.Vensai metals or M/s Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District.
2. **WHEREAS**, the Board Officials inspected the crushing unit on 25.07.2019 and observed that the unit was operating without consents of the Board required under Water and Air Acts. Subsequently, vide reference 2nd cited, the Board issued closure orders and power disconnection orders to the industry.
3. **WHEREAS**, as per the RO report, vide reference 3rd cited, submitted in WP No. 12022 of 2020, the stone crusher was observed to be in operation as on 28.09.2020.
4. **WHEREAS**, it was observed that the stone crusher is operating despite the closure orders of the Board and addressed letters to Tahsildhar, Gandipet for dismantling / seizure of the crushers / DG sets.

5. **WHEREAS**, the Board Officials conducted Joint Inspections along with Revenue and Mining Officials on 28.01.2022 and observed that the crusher was in operation. The Revenue Officials seized the crusher and the Tahsildhar, Gandipet submitted report dated 03.02.2022.
6. **WHEREAS**, Sri. P.V.Subramanya Varma, S/o. P.Atchutha Rama Raju, R/o. Hyderabad has sent a representation to the Chairman, Hon'ble NGT, Principal Bench, New Delhi. The Hon'ble NGT registered the representation as Original Application (O.A.) No.6 of 2022. The main prayer of the applicant is as follows:
- (A) Restrain Respondent No.15 to 33 (29th respondent is M/s.Sai Balaji Rock Sand Industries) from carrying illegal and unauthorized crushing activities in Rangareddy District and Sangareddy Districts without obtaining Consent from 4th Respondent / Telangana State Pollution Control Board.
- (B) Appoint an expert Committee to conduct surprise inspection on the units run by Respondent Nos.15 to 33 in order to examine the real activity and assess the damage caused to the environment in Rangareddy and Sangareddy Districts of State of Telangana.
- (C) Pass and order or orders as this Hon'ble Tribunal may deem fit and appropriate in the facts and the circumstances of the present application.
- I. Direct the respondent Nos.1 to 14 to initiate stringent action against the respondent Nos. 15 to 33 for an unauthorized and illegal operation of stone crushing activities in Ranga Reddy and Sanga Reddy Districts of State of Telangana without obtaining Consent for Establishment and Consent for Operation from the 4th respondent.
- II. Direct the Respondent Nos. 1 to 14 to demolish / remove all the illegal and unauthorized structures erected by the Respondent Nos. 15 to 33 without obtaining Consent for Establishment and Consent for Operation from the 4th respondent as laid down under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- III. Direct the Respondent Nos. 1 to 14 preventing establishment and operation of the illegal and unauthorized stone crushing units of Districts which is bad in law and contrary to the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and in violation of the fundamental rights guaranteed under Article 21 of the constitution of India and accordingly direct the respondent Nos. 1 to 14 to seize and prevent the operation of the Respondent Nos. 15 to 33.
- IV. Direct the Respondent Nos. 15 to 33 to pay environmental compensation including the cost of restitution of Environment under Section 15 of NGT Act, 2010.
- V. Pass any order or orders as this Hon'ble Tribunal may deem fit and appropriate in the facts and circumstances of the present application.
7. **WHEREAS**, the Hon'ble NGT vide orders dated 17.01.2022 appointed a Joint Committee and directed to impose environmental compensation for the violations committed by them if any, apart from assessing compensation for the damage caused to the environment, including cost required for restoration of the same.
8. **WHEREAS**, the Joint Committee constituted by the Hon'ble NGT has inspected the unit on 31.03.2022 and observed that the power connection to the crusher was disconnected and the crusher was not in operation.
9. **WHEREAS**, the Board Officials inspected the area and the unit on 08.06.2022 and observed that the crusher was reinstalled and was in operation.
10. **WHEREAS**, Vide reference 10th cited, the Board addressed letters to the District Collector to direct the concerned for dismantling the crushing unit.

11. **WHEREAS**, the Hon'ble NGT vide Order dated 14.10.2022 directed the Revenue Department and State PCB take appropriate action. Subsequently, the unit was seized on 21.10.2022 in co-ordination with Revenue Officials in compliance with the directions issued by the Hon'ble High Court in WP.No.12022 of 2020 & Hon'ble NGT, Chennai in the matter OA No. 06 of 2022.
12. **WHEREAS**, the Board vide order dt.12.11.2022 issued directions Levying the Environmental Compensation for **Rs.49,30,000/- (Rupees Forty Nine Lakhs and Thirty Thousand Only)** and deposit the Environmental Compensation within 15 days from the date of receipt of the letter.
13. **WHEREAS**, you have filed an appeal No.78 of 2022 before the Hon'ble NGT against the orders issued by the Board for levy of Environmental compensation. The Hon'ble NGT vide Order dated 03.01.2023 in Appeal No.78 of 2022 directed that " --- let the appellent deposit 50% of the environmental compensation awarded with the TSPCB within a period of 8 (eight) weeks, failing which, the stay granted would automatically be vacated without further reference to this Tribunal".

In view of the above, the industry is hereby directed to deposit 50% of Environmental Compensation of Rs.49,30,000/- (Rupees Forty Nine Lakhs and Thirty Thousand Only) i.e., **Rs. Rs.24,65,000/- (Rupees Twenty Four Lakhs and Sixty Five Thousand Only)** within 8 weeks from the Date of the order of Hon'ble NGT dt.03.01.2023 in the Environmental Compensation Fund account bearing No -39271613872, IFSC: SBIN0021452, SBI bank, Czech colony branch, Hyderabad.

These directions are issued under Section 31 (A) of Air (Prevention and Control of Pollution) Amendment Act, 1987.


JOINT CHIEF ENVIRONMENTAL ENGINEER

To
M/s. Adeshwar Traders,
(Formerly M/s. Vensai metals or M/s Prasad Metals),
Vattinagulapally (V), Gandipet (M),
Rangareddy District.

1. Copy submitted to the Member Secretary, TSPCB, Board Office, Hyderabad for kind information.
2. Copy submitted to the District Collector, Rangareddy District for information.
3. Copy to the Environmental Engineer, Regional Office-I, Rangareddy for information and necessary action.



Aadeshwar Traders

Plot No. 14, Maheswari Nagar,
Bharath Nagar Colony, Hyderabad - 500 018.
Cell : +91 9014444777
E-mail : aadeshwartraders49@gmail.com

March 03, 2023

To
The Joint Chief Environmental Engineer
TS Pollution Control Board
Zonal Office, Begumpet
Hyderabad



Respected Sir,

Sub : TSPCB-ZO, HYD – M/s.Aadeshwar Traders, Vattinagulapally (V), Gandipet (M), Ranga Reddy District – Levying of Environmental Compensation – Directions issued

Ref : 1. TNPCB Order No.15-RR-I/TSPCB/ZO-HYD/TF/2022-1239 dated 12.11.2022
2. NGT Order no.Appeal No.78 of 2022 (SZ) dated 03.01.2023
3. TNPCB Order No. 15-RR-I/TSPCB/ZO-HYD/TF/2022-1975 dated 10.02.2023

Vide the above reference no.1, you have directed us to deposit Rs.49,30,000/- (Rupees Forty Nine Lakhs Thirty Thousand only) towards Environmental Compensation.

The undersigned respectfully submitted to the Honorable NGT and they have given an Interim Order vide Ref no.2, asking us to deposit 50% of the environmental compensation (Rs.24,65,000/-) to the TNPCB within 8 weeks i.e. by 03.03.2023.

As directed by the Honorable NGT, we have today transferred Rs.24,65,000/- (Rupees Twenty Four Lakhs Sixty Five Thousand Only) in State Bank of India, Hyderabad Account No. 39271613872 and the UTR number is – ICICR52023030300665524.

Kindly acknowledge receipt.

Thanking you,

Yours sincerely,
For Aadeshwar Traders

Authorized Signatory

K. G. Vari Teja Reddy



CC : Environmental Engineer, Regional Office, Ranga Reddy Dist.

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Annexure - IV

Item No.2:-

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

(Through Video Conference)

Appeal No.78 of 2022 (SZ)

IN THE MATTER OF

M/s. Aadeshwar Traders,
Ranga Reddy District.

...Appellant(s)

Versus

The Telangana State Pollution Control Board
Represented by its Member Secretary
Hyderabad and Ors.

...Respondent(s)

Date of hearing: 03.01.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Appellant(s): M/s. P. Venkaiah Naidu.

For Respondent(s): None.

ORDER

1. The appeal is directed against the order of the Telangana State Pollution Control Board dated 12.11.2022, levying the environmental compensation of Rs.49,30,000/- (Rupees Forty Nine Lakhs and Thirty Thousand only) in compliance with the orders of this Tribunal dated 17.01.2022.

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2. The learned counsel appearing for the appellant would submit that the levy of compensation itself is incorrect, as the unit is not at all in operation, as there is no power supply. To verify the other particulars, let notice be issued to the respondents through Tribunal as well as privately.
3. As interim order is not sought for to show the bonafide, let the appellant deposit 50% of the environmental compensation awarded with the Telangana State Pollution Control Board within a period of 8 (Eight) weeks, failing which, the stay granted would automatically be vacated without further reference to this Tribunal.
4. In the event of deposit of such amount, let the Telangana State Pollution Control Board transfer the same into any of the interest bearing deposits in any of the nationalized banks till the disposal of the appeal.
5. Post the matter on 03.03.2023.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

Appeal No.78/2022 (SZ),
03rd January 2023. Mn.