

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

Original Application No. 80 of 2020

Between:

KALUSHYA PARIRAKSHANA SAMITHI

(Erstwhile Society)

Through its authorised representatives

1. Jala Venkatesham
S/o J. Maisaiah R/o 3-529/A,
Choutuppal (Post & Mandal)
Yadadri Bhuvanagiri District,
Telangana-508252
2. Yerrasani. Sathishkumar
S/o Y. Premkumar, R/o 1-87,
Choutuppal (Post & Mandal)
Yadadri Bhuvanagiri District,
Telangana-508252.
3. Sappidi. Linga Reddy
S/o S.SriRamReddy, R/o1-87,
Choutuppal (Post&Mandal)
Yadadri Bhuvanagiri District,
Telangana-508252
4. Gunamgiri. Manohar Reddy
S/o G.Malla Reddy, R/oPlot No:3,
Tirumala Hills, Malakpet, Hyderabad,
Telangana-500036.

...Applicants

-versus-

1. Union of India
Rep. by its Secretary
Indira Paryavaran Bhavan
Jorbagh, New Delhi-110003
2. State of Telangana
Rep. by its Chief Secretary, Secretariat,
Hyderabad-500022
3. Telangana State Pollution Control Board,
Rep. by its Member Secretary,
A-3, Paryavaran Bhavan,
Sanath Nagar Industrial Estate,

Sanath Nagar, Hyderabad-500018

4. Director
Drugs Control Administration
State of Telangana
Vengalrao Nagar, Hyderabad-500038
5. Agriculture Commissioner & Director
Fathe Midan, Basheer Bagh
Near Nizam College, Basheer Bagh
Hyderabad, Telangana 500001
6. The District Collector
Yadradri-Bhuvanagiri District,
Bhuvanagiri, Telengana State-508116
7. District Medical & Health Officer
Yadradri-Bhuvanagiri District,
Bhuvanagiri, Telengana State-508116
8. M/s Divi's Laboratories Pvt. Ltd.
Rep. by its Managing Director
Lingo jigudem Village
Choutuppal Mandal, Yadadri Bhuvanagiri District
Telengana State - 508252
9. M/s. Srini Pharmaceuticals Pvt. Ltd.
Rep. by its Managing Director
Choutuppal, Yadadri District
Telengana - 508252
10. M/s. Maruthi Cottex Ltd.
Rep. by its Managing Director
Choutuppal, Yadadri District
Telengana-508252
11. Central Pollution Control Board
Rep. by its Member Secretary
Parivesh Bhavan, Eash Arjun Nagar
Delhi-32.

...Respondents

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Certified to be true copies of the original

Dated at Chennai on this the 28th day of September, 2023



COUNSEL FOR 8th RESPONDENT

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Delhi-32. ...Respondents

COUNTER-AFFIDAVIT FILED ON BEHALF OF THE 8th RESPONDENT

I, K. Subba Rao, aged about 57 years, representing the 8th Respondent, having office at 1-72/23 (P) DIVIS/303, Cyber Hills, Gachibowli, Hyderabad - 500032, Telangana, India, having temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:-

1. I am the General Manager (erstwhile Deputy General Manager) of the 8th Respondent herein and as such well acquainted with the facts of the case and competent to swear to the present affidavit.
2. The contents of the Memorandum of Application filed by the Applicants are specifically denied except those, which are specifically and expressly admitted hereto. Absence of any specific denial shall not be deemed to be an admission by the answering Respondent.




3. The Applicants herein have filed this Application praying for, *inter alia*, stoppage of further expansions of the Manufacturing units of the 8th Respondent for allegedly causing pollution in Choutuppal area of Yadadri Bhuvanagiri District in Telangana and to direct the 8th to 10th Respondents to pay compensation to those who are allegedly affected by such pollution.
4. The Answering Respondent submits that, the 8th Respondent Company was established in the year 1990 in Hyderabad, India with two manufacturing units and is among the top pharmaceutical companies in India. It is recognized as a Reliable Supplier of Generic APIs (Active Pharmaceuticals ingredients) and is also among the top API manufacturers in the world, offering high quality products with the highest level of compliance and integrity to over 95 countries. The 8th Respondent Company has around 11,000 highly trained professionals across departments and 350 scientists working together.
5. It is primarily submitted that the Application filed by the Applicants herein is completely vexatious, contrary to facts and law and is liable to be dismissed *in limine*, in so far as the Application seeks various directions against the 8th Respondent. It is further important to state that existence of the society came to an end and thereby the same stood dissolved as per Hon'ble Tribunal's order dated 13.04.2023. Once the erstwhile society was dissolved the individuals decided to continue the litigation and even sought to implead themselves as applicants in the current application. However, as this process would start the whole action afresh the Hon'ble Tribunal decided to dismiss the Implead Application filed by the members and formally ended up removing the society as well as the Applicants from the Application to carry on with the matter on a Suo Moto manner. The Application, *ex facie*, is a *mala fide* one filed with the sole intention of interfering with the business of the 8th Respondent Company by subjecting it to vexatious litigations one after the other.
6. At the outset, it is submitted that the present Application is not the first time that the members of the Erstwhile Applicant society have initiated a legal proceeding against the 8th Respondent. The Applicants in the present Application are residents of Choutuppal Village and Mandal. The Applicants are allegedly possessing land in Sy. No: 250, 254, 266 & 267 of Choutuppal village,



and the said land is located between the industries of the 10th Respondent and one M/s Vamshi Rubber Industries in Choutuppal Village. The members of the Erstwhile Applicant society have filed complaints before various forums in individual capacity and since they were unable to secure any favourable orders therein, they formed a society and filed the present application before this Hon'ble Tribunal.

A brief background of the proceedings initiated by the Applicants are set out below.

7. Vide order dated 18.05.2018 bearing Reference No: Lr. No.CE/Comml & RAC/DE/C/SE/C/F-Divis Labs/D. No. 139/18, the Transmission Corporation of Telangana Limited (hereinafter referred to as "**TS TRANSCO**"), ordered the installation of 132 KVA in the Choutuppal Village area to provide storage for incoming feeder from Yadadri Power Generation Station, which was still under construction. The purpose of laying these lines is to stabilise the power supply for household, industrial and agricultural needs. As the 8th Respondent's manufacturing unit had 33 KVA connection in place, it sought a 132 KV HT line connection to get quality power for its operation. And since the high-tension towers were required to be erected on one side of the land allegedly belonging to the Applicants, they objected to the laying of the 132 KVA lines and towers many a times, including by way of agitations and by initiating vexatious litigations against the Answering Respondent and TS TRANSCO.
8. The Applicants even filed a Writ Petition before the Hon'ble High Court of Telangana seeking stay on the erection of the High-Tension towers and further prayed for the provision of an alternate route for the reason that the Applicant Members' lands would not be subjected to the erection of the towers. The Hon'ble Court *vide* order dated 08-01-2020 in WP No. 23482 & 22324 of 2019, dismissed the Petition, by allowing the work concerning extension of the 132 KVA line to proceed, based on the scheme approved by TS TRANSCO. The Hon'ble High Court also directed TS TRANSCO to compensate the Petitioners therein, in addition to directing the Answering Respondent to pay an ex-gratia amount to the Petitioners therein. In pursuance of the same, the Answering Respondent issued a demand draft in the name of the Applicants through



registered post with acknowledgement due on 10-03-2020 & 16-03-2020, but the cheques were returned as unaccepted. Later the due amounts to be paid as per court orders were deposited accordingly. As requested by the Answering Respondent on 16.03.2020, the SE TRANSCO Nalgonda sought to commence work and in case of any disturbances in the erection works, it was to be brought to the notice of the Asst. Commissioner of Police, Choutuppal for police protection, to facilitate work in a smooth manner. Accordingly, the SE TRANSCO, Nalgonda addressed a communication to the RDO, Choutuppal, requesting for protection from police as there were frequent disturbances during the erection work.

9. In the meanwhile, the Applicants aggrieved by the order dated 08-01-2020, filed a Writ Appeal bearing W.A. No. 132 of 2020 before the Hon'ble High Court of Telangana. The Appeal preferred by the Applicants, was also dismissed vide order dated 24-02-2020 on the ground of lack of jurisdiction in technical matters, and thereby the directions passed by the Single-Judge Bench, was reiterated.
10. Meanwhile, acting on the representations from a few of the villagers against the answering respondent and the 9th Respondent, regarding alleged pollution of environment, affecting the crops and cattle of the area, the officials of the TSPCB made an inspection on 17.01.2020 to the agricultural fields in the area and to the industries of the 8th and 9th Respondents and collected ground water samples from the borewells located in the agricultural fields and from the piezo wells of the industry, along with samples of effluents from the industry. Photographs taken during the inspection in the Answering Respondent's industry, on 17.01.2020 are annexed herewith as **Annexure – 1A**.
11. It is pertinent to highlight that the Erstwhile Applicant Society came to be formed on 20.12.2019. Immediately after the Writ Petition was dismissed, the Applicants, filed a complaint bearing reference HR Case No. 207 of 2020 before the Telangana State Human Rights Commission (TSHRC) on 20.01.2020 alleging that the Answering Respondent and the 9th and 10th Respondents are polluting the water, air and soil of the Choutuppal Village. The Commission in turn referred the matter to the 3rd Respondent herein, the Telangana State



Pollution Control Board (TSPCB), it being an expert body to inspect and provide expert subject matter findings.

12. The TSPCB Task Force Committee submitted an enquiry report to the TSHRC vide Lr. No. HRC 207/2020/PCB/RO-NLG/2020-58 dated 05.02.2020. During inspection, the committee did not find any non-compliance on the part of the Answering Respondent. A copy of the Enquiry Report submitted by the TSPCB Task Force Committee is annexed herewith as **Annexure – 1B**. A bare perusal of Paras 5 to 9 of Part -I of page 11 of the said report would reveal that the 8th Respondent had taken a lot of measures to control emissions and comply with the requirements as per law, and no non-compliances were found in the working of the industry. In particular, paragraph 10 of the said report mentioned that *"during the inspection, discharge of effluents within or outside the industry premises was not observed"*. This clearly reveals the fact that the allegations of the Applicants have no basis and are merely an attempt to bring up a new case against the Answering Respondent to tarnish its image. Apart from this, a repeated enquiry into the functioning of the answering respondent would adversely affect the goodwill of the company in the market. Further, owing to the several representations made before various authorities, the working of and/or activities of Respondent No. 8 were reviewed in the Task force meeting of the 3rd Respondent, held on 07.02.2020 after conducting inspection of the manufacturing unit. The details of the measures taken by the Answering Respondent to control emissions and its compliance measures will be elaborated in the following paragraphs.
13. Meanwhile, pursuant to the Applicant's case before the TSHRC, an inspection was once again conducted on 03.02.2020 by the officials of the 3rd Respondent TSPCB. The Board officials along with villagers, who were representing the members of the Applicants, visited the agricultural fields of Choutuppal, Katrevu and Aregudem villages, which are located at the back side of the 8th to 10th Respondents. The order dated 04.03.2020 bearing Order No. NLG-20/TSPCB/UH-V/TF/2016-2635 passed by the 3rd Respondent TSPCB, issuing directions to the Answering Respondent, consequent to its inspection on 03.02.2020, is annexed herewith as **Annexure – 1C**. It is further important



to note that Paragraph 16 at page 14 of the said order would indicate that ground water samples from the bore wells located in the agricultural fields behind the industry and those that were sent for analysis, and in particular, sample bearing Sample Code '2032' was collected from the bore well in the agriculture land of the father of the one of the Applicants herein as mentioned above. Further, vide Paragraph 18 of the said order, the 3rd Respondent TSPCB passed general directions to the Answering Respondent to comply with all the requirements as necessary in accordance with previous directions issued by the Board.

14. In addition to the above submissions, it is submitted that when the case filed by the Applicants before the TSHRC is sub-judice, the fact that the Applicants has approached this Hon'ble Tribunal evidently shows that the Applicant has certain oblique interests in instituting legal proceedings before various forums, only to mar the reputation of the Answering Respondent, without there being even a shred of evidence. The entire Appeal therefore is vexatious and constitutes a gross abuse of the legal process and deserves to be dismissed with costs, on this ground alone.

15. Specific responses to the allegations of the Applicants in the Memorandum of Application are as follows:

Paragraph-wise Reply:

16. With respect to Paragraph 1, the allegations of the Applicants regarding pollution caused to the environment by the 8th Respondent are completely false and are vehemently denied. The Manufacturing unit of the 8th Respondent is operating in accordance with the Environmental Clearance from SEAC/SEIAA, MOEF&CC, Consent for Establishment and Consent for Operations obtained from the 3rd Respondent TSPCB after proper review and submission of requisite documents from time to time and is strictly functioning in compliance with rules and regulations issued under all applicable laws, including laws relating to the protection of the Environment such as Environment (Protection) Act, 1986, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. The allegations of the Applicants are not backed by any evidence of pollution being caused by the 8th



Respondent and all the test results and reports pursuant to collection of samples from the industry of the Answering Respondent and from the agricultural fields behind the industry reveal that there has been no pollution caused due to the 8th Respondent. It is submitted that the Application is not *bona fide* and is an attempt to stop, TS TRANSCO from erecting the 132 KVA line and towers, and the Answering Respondent from utilising the same.

17. The Answering Respondent is further unaware of any representations sent by the Applicants to the authorities mentioned by the Applicant except that of the TSHRC which was directed to the 3rd Respondent TSPCB for conducting an enquiry and submitting a report to the TSHRC. The 8th Respondent company has been following all directions and orders issued by the 3rd Respondent TSPCB from time to time and all the records are maintained and the same can be checked through Online Environmental Quality Monitoring Systems and real time data which is connected to the official website of the 3rd Respondent TSPCB & CPCB. Display of all the necessary information regarding pollution control have also been made available at the main entrance of the factory and is accessible to the public as well. Therefore, such allegations are vague and unsubstantiated.
18. With respect to Paragraph 2, the allegation that the 3rd Respondent TSPCB gave the Consent Order for the expansion of the unit without verifying alleged environmental violations by the private Respondents, including the 8th Respondent, under the Water Act, 1974, and violations in the operation of the plant under the Air Act, 1981 and authorisation under the provisions of Hazardous and Other Wastes (Management and Trans Boundary Movement) Rules, 2016 is entirely fallacious and without any proof or evidence, so far as the 8th Respondent is concerned. It is submitted that the project for the expansion of the unit was commenced with prior permissions from the Ministry of Environment Forests and Climate Change (MoEF&CC) and the 3rd Respondent TSPCB. A copy of the Environmental Clearance Order issued by the State Level Environment Impact Assessment Authority (hereinafter referred to as the SEIAA), MoEF & CC, bearing Order No: SEIAA/TS/OL/NLG-



02/2015-3077, for the expansion of Synthetic organic Chemicals manufacturing unit is annexed herewith as **Annexure - 2A**.

19. Firstly, Para III of the said order clearly states that the proposal for expansion submitted by the 8th Respondent Company has been examined and processed in accordance with the EIA Notification, 2006 and its amendments thereof. All due procedures such as scrutiny of the Application by the State Level Expert Appraisal Committee (SEAC), including inspection of the site by the sub-committee constituted by the SEAC followed by its report, were duly followed. The fact that both the SEAC and the SEIAA considered the application on its merits in detail and issued Specific and General Conditions to be followed by the Answering Respondent, shows that all due verifications for compliances have been duly considered by the SEAC and the SEIAA, before issuing the Environmental Clearance.
20. Further, in the Enquiry Report submitted by the TSPCB annexed herewith as **Annexure - 1C**, Page 10 of the report clearly states that the 3rd Respondent TSPCB has issued Consent for Operation and Hazardous Waste Authorisation to the industry vide order dated 14.03.2019 for manufacture of 32 Bulk Drugs, R&D Products and R&D Developmental Projects. It is in accordance with the directions issued by the TSPCB. Therefore, the allegation that there has been no verification by the 3rd Respondent before granting Consent is false, smacks of mala fide, and has been made without any evidence.
21. With respect to the 3rd paragraph, the allegation that the 8th Respondent is illegally discharging polluting water and sewage allegedly causing massive pollution is false and a mere allegation not backed by any proof. As recorded and evidenced in pages 5 & 6 point no 6 & 7 and Page no 10 point no 3 & 4 of the Enquiry Report submitted by the Task Force Committee, annexed in **Annexure - 1C**, the Answering Respondent Company has installed the below mentioned mechanism to monitor and process the waste generated during manufacture process:
- It's clearly stated that during the inspection, no discharge of effluents within or outside industry premises observed.

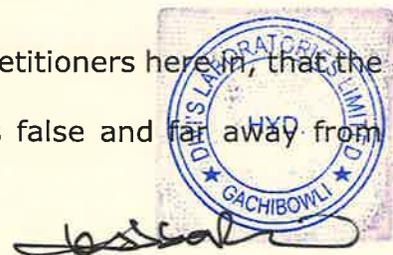


- The industry is regularly operating the ZLD system consisting of MEE System, Biological ETP followed by RO.
- The industry is segregating effluent into the High TDS and Low TDS effluent.
- The industry has provided Zero Liquid Discharge (ZLD) system consisting of Stripper, Multi Effect Evaporator (MEE), Agitated Thin Film Dryer (ATFD), Biological ETP, and RO Plant. The MEE Condensate along with other LTDS effluents are treated in Biological ETP followed by RO Plant. The RO Permeate is reused for cooling tower make up and the RO Rejects are sent to MEE for evaporation.
- This shows that the 8th Respondent is operating ZLD system for treatment of Effluent generated, and not discharging any polluting water and sewage into land or water body.

22. With respect to Paragraph 4, the allegation that the 8th Respondent Company is causing pollution and extracting excessive ground water is vehemently denied. Respondent No. 8 applied for drawing of Musi river water from Jalukalwa (V) R/o Gokaram (V) of Valigonda (M) and was granted permission to draw 2000 KL/day of water (0-0258 TMC/Annum) from the said village vide CEM.I. vide proc.No (DCE-1) OTI/AEE4/TSIPASS/2020 Dt:29-02-2020. The 8th Respondent is drawing water within the limits prescribed under the orders and maintains requisite records. The records are also submitted to the DY.EE I B Sub-Division Yadadri Bhuvanagiri for maintaining office records. The question of excess drawl of water as alleged by the Applicants does not arise and the same is baseless.

23. Further it is submitted that, the water drawn is purified in RO system, the purified water is being used by Respondent No. 8 in various activities and for wastewater treatment, Respondent No. 8 is continuously operating ETP and achieving a ZLD in our manufacturing unit. In light of this, the contention raised by the Applicants for discharge of wastewater affecting the environment does not arise.

24. With respect to paragraph 5, the contention of the petitioners here in, that the industry is situated very near to the habitations is false and far away from



truth. The 8th Respondent Company's manufacturing unit is functioning for more than 25 years. At the time of functioning of the 8th Respondent Company, the Aregudem H/O Panthangi (V) and Ankireddygudem H/O Lingo jigudem (V) population as per 1991 census is 1280 and 985 respectively. The growth rate details are given below with reference to the 1991 census to projected population upto 2021 raising from @1.6% to 3%.

Sl.No	Village	As per 1991 census population	As per 2001 census population	As per 2011 census population	Projected population for 2021	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Aregudem H/O Panthangi	1280	1472	1881	5643	
2	Ankireddygudem H/O Lingo jigudem	985	1133	1498	1952	

25. It can be seen from the above figures the growth rate is normal at par with population of other villages. The Choutuppal (M) is right from formation of Mandal in the year 1985, it is well developed other than nearby Mandals. Hence there is no damage to the environment with the air & water pollution by the 8th Respondent in the above said (2) villages. In addition to above, 8th Respondent Company comes within the purview of S.No. 5(f) in the Schedule to the Environment Impact Assessment Notification, 2006, it can be set up only after the requirements as per the EIA notification are met with.
26. With respect to Paragraph 6, the allegations contained therein are baseless, devoid of substance, merit and of any proof and the Applicants by making such baseless allegations merely for the purpose of making allegations is not in furtherance of any environmental cause. It is submitted that Respondent No.8 is situated at Lingo jigudem and Ankireddygudem villages and about 24 Acres of land in two survey numbers belongs to Panthangi Revenue village of Aregedum Grampanchayat touching the corner of the manufacturing unit. This manufacturing unit was established in the 1990s by the 8th Respondent. The area of the 8th Respondent company is spread across 507 acres of land, of which the production blocks and infrastructure facility are spread in about 125



acres of land to the SEZ unit and Ac.136.26 Gts to DTA unit. The rest of the land is Ac. 246.00 Gts are under the green belt at present.

27. This is further evidenced by the Environmental Clearance, in **Annexure – 2A**. Paragraph 1 of which reads as follows:

*"This has reference to your application submitted online on 29.08.2016 & EIA report submitted online on 09.12.2016 (proposal no. SIA/TG/IND2/17950/2016) received on 23.12.2016 and subsequent Ir.dt.24.10.2016 seeking Environmental Clearance for the proposed expansion of Synthetic Organic Chemicals Manufacturing Unit in the name of M/s. Divi's Laboratories Limited (Unit-1), Sy. No. 302, Lingojigudem (V), Choutuppal (M), Nalgonda District. The nearest human habitation viz., Lingojigudem (V) exists at a distance of 2.0 km from the project site. **The total area of the site for expansion is Ac. 15.35 in Sy.No.302. Whereas the total size site area as per EC Order dt. 10.06.2008 is Ac. 500 (202.3 Ha). Out of that, area earmarked for development of Green Belt is 92.8 Ha."***

28. Since the 8th Respondent Company is in possession of surplus area of vacant land, it is unnecessary for the company to occupy land belonging to another entity. The allegation that the total area occupied by the 8th Respondent company is about 610 acres, is false and baseless.
29. The Respondent's permitted production capacity is 2672.6 Tonnes per annum. Environmental clearance for a quantity of 6354.3 Tonnes Per Annum of APIs and intermediates was considered by the state authority and granted clearance vide Environmental Clearance annexed as **Annexure – 2A**. As reiterated earlier, the allegations of the Applicants regarding excessive drawing of water and pollution are baseless. The approved water usage is 5014 KLD and the approved wastewater generation is 2846 KLD. To the contention that expansion of the project is going on without conducting public hearing, it is submitted that as per Office Memorandum bearing no. J-11011/321/2016- IA. II (I) issued by Impact Assessment Division, Ministry of Environment, Forest and Climate Change, Government of India exemption from Public Consultation, is provided under para 7(i) III Stage (3)(i)(b) of EIA Notification, 2006, to the



projects or activities located within the Industrial Estates or Parks, if applicable as under:

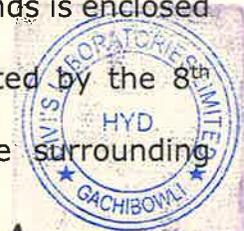
- Which were notified by the Central Government or the State/UT governments, prior to the Notification coming into force from 14th September, 2006.
 - Which obtain prior environmental clearances as mandated under the EIA Notification, 2006 [item 7(c) of the schedule to the Notification].
30. In addition to above, exemption is also applicable for projects or activities which were granted Terms of Reference prior to environmental clearances to such industrial estates/parks, subject to validity of the ToR's.
31. As Respondent No. 8 is carrying out manufacturing activities since 1990 and is situated in a Notified Industrial area, the Project is exempted from the process of Public Hearing as per OM dated 10.12.2014, 04.04.2016 and 27.04.2018 of MoEF&CC, Government of India under EIA Notification 2006. A copy of the Office Memorandum dated 27.04.2018 is annexed herewith as **Annexure - 3**.
32. With respect to the allegation that the 8th Respondent Company has severely affected the Environment in Choutuppal, Aregudem, Katrevu, Thangadapally, Pantangi, Longojigudem, Chintalagudem villages in Yadadri Bhuvanagiri District, it is submitted that the 8th Respondent is operating its Manufacturing unit in compliance with all applicable Environment Laws. Based on the inspection reports issued from time to time, there are no existing non-compliance till now with regard to air and water pollution. Apart from this, the levels of air and water pollution caused by 8th Respondent is directly monitored through online environmental quality monitoring system and the real time data is connected to official website of the TSPCB and CPCB. The same real time data is also displayed at the main entrance of the manufacturing unit, which can be accessed by the Public.
33. The 8th Respondent has appointed third party agency to periodically test Ambient Air, Stack Emission, Wastewater, Ground Water Quality, Fugitive Emissions, HCl gas emissions, VOC, Noise Levels, Hazardous Waste, Soil Quality, Piezo wells for effective monitoring of air & water pollution. The third



party submits its findings on regular basis in the form of report as and when the inspection takes place. Reference here is drawn to the below mentioned periodical Environmental monitoring conducted at Respondent No.8's manufacturing unit by various authorities and agencies:

S. No	Dept/Authority	Routine monitoring
1	TSPCB & CPCB	i) Surprise Inspections ii) Computerised online inspection (Real Time) iii) During consent renewals iv) During fresh applications
2	MOEFCC	v) Surprise Inspections vi) During Expansion applications
3	Third Party	vii) Every month viii) Quarterly ix) Half yearly x) Annually
4	In-house Laboratory	Daily.

34. With respect to Paragraph 7, the contention that the Grama Sabha of the Aregudem village passed a resolution opposing the expansion of the 8th Respondent company is irrelevant and does not have any merit. The 8th Respondent is operating its manufacturing unit in the villages of Lingo jigudem and Ankireddy gudem. The Grama Panchayat Ankireddy gudem village has issued NOC as the proposed expansion for manufacturing facilities falls under this village. The Company has only two survey numbers in Aregudem village to an extent of about 24 acres of land out of 507 acres, this part of land is developed as green belt and continue to be green belt area. Further it is to submit that the Answering Respondent company does not propose any expansion activities in the Aregudem village lands. Hence opposing expansion of its facility is irrelevant.
35. In addition, it further submitted that, the villagers of Aregudem village made a visit to the ZLD facilities in the factory on 20-12-2019 and the systems for water treatment and air monitoring in the factory were explained to them, to their satisfaction. The photographs of the villagers while on rounds is enclosed herewith as **Annexure 4**. This was undertaken and facilitated by the 8th Respondent, as part of generating awareness amongst the surrounding



villagers. Further, the extent of land has not been altered from the time of establishing the manufacturing unit.

36. To the allegation that the 8th Respondent is causing pollution leading to people getting disorders on skin, breathing problems, bad smell etc, is vehemently submitted that the allegation is an entirely fallacious one. The fact that there are no such instances of skin disorders and problems is evident from the certificate bearing Lr.Rc.No:Spl/DM&HO/Yadadri-Date 09.07.2020, issued by the District Medical & Health Officer, Yadadri Bhuvanagiri, which is annexed herewith as **Annexure – 5**. The relevant portion of the certificate reads:

"In this regard, it is to inform that, no reports are received with regard to skin diseases, Lung infections, abortions owing to water/air pollution effects on the above said villages of Choutuppal (M) last 3 years."

It is also evidenced by the certificate issued by Veterinary Assistant Surgeon Primary Veterinary Centre, Choutuppal, annexed as **Annexure – 6**.

37. To the allegation that the agricultural yield has come down due to the 8th Respondents activities, it is submitted that in the green belt created by the 8th Respondent within its manufacturing unit, there is a very good growth of plants in the unit during the concerned season. Further, in fact, the 8th Respondent Company has undertaken plantation drive to develop green belt within the factory. In addition, the Answering Respondent has also undertaken Miyawaki forestation in collaboration with the Telangana Forest Department. Miyawaki plantation had been undertaken in Ankireddigudem, Panthangi, Aregudem villages nearby the manufacturing unit of the 8th Respondent company with a cost of Rs.25.58 Lakhs in entire mandal with 1.8 lakh plants planted with tree guard and fence to raise plants and approximately 1.10 lakh saplings are planted with a cost of Rs. 16.02 Lakhs for 2 Years Maintenance within the premises of manufacturing unit of the Answering Respondent.

38. Further, as per the statistics provided by the Mandal Agricultural Officer, Choutuppal Mandal, Yadadri Bhuvanagiri District in response to an RTI application filed by the Answering Respondent, the production of crops in the area have not been impacted in any way by the presence of the manufacturing



unit of the 8th Respondent Company. A copy of the said documents is annexed herewith as **Annexure 7**.

39. With respect to paragraph 8, the allegation that, there is an expansion over an area of 10623 sq.mtrs with a cost of Rs.520 crores with ref. to the RTI reply obtained by the petitioners here in, from the District Industries Department states that the expansion is in 10623 sq.mtrs with a cost of Rs.520 crores, which is both incorrect and trying to misguide the Hon'ble NGT. The Respondent Company No.8 has taken permission from the HMDA on 07-03-2019 for construction of building area in respect of DC-SEZ unit to an extent of 30,538.52 Sq.mtrs with a cost of Rs.490 crores approximately, since the work is under progress and expected to be completed within the stipulated period as permitted by the HMDA i.e. (3) years from the date of issue of permission.
40. With respect to Paragraph 9, the allegation that chemicals are being released into underground borewells are denied as false and fabricated. The borewells are monitored by TSPCB and samples are collected for analysis on regular basis. In fact, the water from the borewell is being utilised for the purpose of gardening and use in the hostels by the 8th Respondent Company. As regards to loss of agriculture crops, it is reiterated that, with reference to **Annexure 7** which is the letter issued by the Mandal Agricultural Office, Choutuppall along with yield data, no such loss is caused to the agriculture yielding as observed in the nearby area.
41. It is further reiterated that, as evident from Annexures 5 and 6 which are the certificates issued by the District Medical & Health Officer, Yadadri Bhuvanagiri and Veterinary Assistant Surgeon Primary Veterinary Centre Choutuppall, there are no such visibility of skin diseases, lung infections, abortions to pregnant women and death of cattle due to pollution from the 8th Respondent Company.
42. It is submitted that the quality of water and other issues raised by the villagers were reviewed and analysed by the officials of the 3rd Respondent TS PCB and a report was submitted by the Environmental Engineer of the TSPCB to the TS HRC Hyderabad in pursuance of the order issued by the TSHRC. The copies of reports are marked as **Annexure 1B**. Page 3 of the said report evidences the



collection of ground water samples from bore wells. The relevant portion of the report reads as follows:

"It is to submit that, earlier on 26.11.2019 the Board officials collected ground water samples from the following bore wells located in the agricultural fields in connection with the public complaints.

...

...

The samples collected from the bore wells in the above agricultural fields were analysed at Board Laboratory for finger printing analysis to identify any chemical compounds present in the ground water. As per the analysis results, no compounds were detected in the above bore well samples."

43. In addition to this, Page 2 of the said report evidence the collection of ground water samples from bore wells located in the agricultural fields. The relevant portion of the said report reads as follows:

*"The Board officials along with the villagers have visited the agricultural fields of Thangadepally and Aregudem villages which are located back side of these industries. During the inspection, it was observed that cotton cultivation is done in majority of the agricultural lands and paddy is also cultivated in small area. **The Board officials on 17.01.2020 have collected ground water samples from the following bore wells located in the agricultural fields and submitted to Board Laboratory for analysis.***

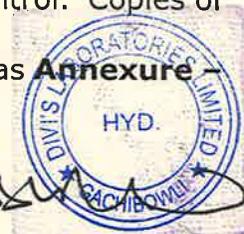
In page 5 of the said report, it has been provided as follows:

"The samples collected from the bore wells in the above agricultural fields were analyzed at Board laboratory for finger printing analysis to identify any chemical compounds present in the ground water. As per the analysis results, no compounds were detected in the above bore well samples."

44. It is to be further noted, that samples have been collected from the borewells again on 03.02.2020 pursuant to the complaint received from the Applicants herein. Therefore, this establishes the fact that the samples are being tested from time to time and have also been in conformation with the standards.



45. With respect to Paragraphs 10 and 11, the allegation about open defecation by labourers working for the construction in Divi's Laboratories are false and incorrect. The temporary accommodation with adequate toilet facilities were provided by work contractors to its workers engaged in construction activities at the manufacturing site. These sheds were constructed out of the premises of Divis land by the contractors and therefore it is wrong to say that private agricultural land was utilised for the construction of the temporary shelters. In fact, the contractors have constructed these sheds along with toilets. On receipt of the letter from Mandal Parishad Development Officer (MPDO), M.P.P.Choutuppal Office, stating open defaecation carried out by workers, the same was denied by Respondent No. 8 and facts as stated above were brought to the notice of MPDO by 8th Respondent's letter No. Divis/MPO/2019 dated: 18-10-2019 stating that the factory gives utmost importance for sanitation and is an active member in "Swatch Bharath" program in all villages in Choutuppal Mandal and Respondent No. 8, further requested to drop further action in the matter under section 88 of the TSPR Act 2018.
46. In addition to above, it is submitted that, most of the migrant labourers left for their respective places after lockdown was imposed. Reply to the letter of MPDO was submitted on 22-10-2019 informing that adequate toilet facilities have been provided for construction workers and open defecation is prohibited. The photographs of the toilets are herewith enclosed as **Annexure 8**.
47. With respect to paragraph 12, it is submitted that all allegations contained therein are figments of imagination and have been made solely for the purpose of accusing the 8th Respondent company with rhetoric allegations which have no base to stand on. It is submitted that no government body or agency is working in collusion with Answering Respondent Company. The Answering Respondent Company has continuously been appreciated by the Andhra Pradesh Pollution Control Board, Government of Andhra Pradesh (the undivided state) for its meritorious performance in implementing the programmes of safeguarding the environment and pollution control. Copies of the said appreciation certificates have been annexed herewith as **Annexure 9A**.



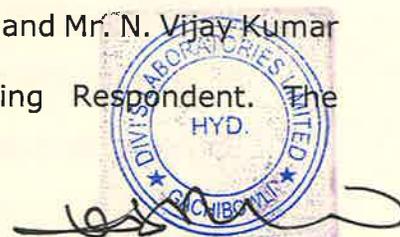
48. It is to be noted that the Answering Respondent spends a considerable amount on its pollution control and Effluent treatment. The expenditure for Effluent Treatment for ZLD and Environment Management Cost is on *Liquid Effluent Treatment Cost, Solid Waste Disposal Cost to Offsite, Environmental Monitoring Expenditure, Additional Cost for mechanical spares, vendor services, Manpower and Corporate Environmental Responsibility Expenditure*. The details of the Effluent Treatment process of the 8th Respondent Company are annexed herewith as **Annexure – 9B**.
49. Regulatory bodies like the 3rd Respondent TSPCB collects samples of effluent receipt at Effluent Treatment Plant (ETP) and final output at various stages on regular intervals to verify compliance of Respondent no. 8 with the directions and/or guidelines issued under applicable Environment laws on a timely basis. The officials found the functioning of our ETP, and results shown in the analysis reports are within the limits of standard prescribed based on regular inspections conducted by TSPCB to monitor the ETP. The TSPCB collected samples on 26/03/2015, 28/11/2016, 24/04/2018, 22/11/2018, 22/11/2019 and 17/01/2020 etc, which have been annexed herewith as **Annexure – 9C**. The results of these reports show that the 8th Respondent company is running its ETP effectively and there has not been a single incident of not meeting applicable standards by the Answering Respondent for treatment process.
50. Further, it is to submit that at regular intervals third party analysis has been conducted as per the directions of TSPCB and these reports also show that the 8th Respondent company's ETP meets the standards prescribed by MOEF, CPCB, TSPCB.
51. With respect to paragraph 13, the allegations contained therein are false and are denied *in toto*. The 8th Respondent Company has complied with all the applicable permissions granted by the respective authorities. As reiterated earlier, there is no question of excess drawl of water from the Musi River, since it is being done in accordance with the prevailing procedure and only up to the permitted capacity of extraction. The 8th Respondent Company maintains records for the same and also have been submitted to the Deputy Executive Engineer IB Subdivision Yadadri, Bhuvanagiri for records. The payment for



water utilization is being done regularly, and details of one such payment is annexed herewith as **Annexure – 10A**. The flow meter reading is also maintained for each day of the month. Details of such flow meter reading for the months of April and May 2020 are annexed herewith as **Annexure – 10B**.

52. It is to be noted that the drawl of water by the 8th Respondent Company has been done only with appropriate permissions from the respective authorities. Vide Memo No. Hg-II/2067/2013, dated 23.05.2013 issued by the Ground Water Department, Government of Andhra Pradesh, the Answering Respondent Company was permitted to draw 500 Kilo Liters per day for 6 hours in a day (Dug-cum-borewell – 300 KLD, Dugwell – 200 KLD). The copy of the said memo is annexed herewith as **Annexure – 10C**. Vide G.O.Ms.No. 47 dated 02.07.2016 issued by the Irrigation & CAD (Reforms) Department, Government of Telangana, the Answering Respondent Company was accorded with permission for drawl of 0.01 TMC per annum of water from Musi River. A copy of the said memo is annexed herewith as **Annexure – 10D**. Further, vide Proc. No: DEC-I/OT1/AEE4/TSiPASS/M/s Divis Laboratories/ Water Allocation, dated 29.02.2020, issued by the Irrigation & CAD Department, Government of Telangana, the Answering Respondent Company was accorded permission for drawl of 0.0258 TMC per annum of water (2000 KL/day) from Musi River at Jalu Kalwa Village, Voligonda Mandal, Yadadri-Bhongir District. A copy of the said order is annexed herewith as **Annexure – 10E**. Therefore, the 8th Respondent company has complied with all the requirements as per law and has been acting only within the boundaries of the mandate of the law.

53. With respect to paragraph 14, the Applicants has twisted the facts to paint a picture of non-compliance of directions by the Answering Respondent Company, and the allegations contained therein are devoid of any truth. It is submitted that based on some allegations, the 3rd Respondent TSPCB conducted Task Force review meeting on 30-03-2017. After the meeting, TSPCB issued a report dated 13-04-2017 with some directions. The report stated that the complainants Mr.P.L.N.Rao, Mr. J. Ilaiah and Mr. N. Vijay Kumar have withdrawn their complaints on the Answering Respondent. The



committee also opined and revealed that the intention of complaint made by Mr.P.L.N.Rao is not fair.

54. It is further submitted that as directed by the Board, a survey was conducted by NEERI, and it recommended 09 points for PEIZIO wells. Acknowledgment of TSPCB on receipt of the NEERI Report along with the report, is annexed herewith in **Annexure 11**. As directed by the TS PCB, the piezometric wells were installed with the consultancy of the NEERI Govt. of India. The NEERI gave its report in September 2018. The piezometric wells were installed and the compliance report dated 10-10-2018 was submitted to the TS PCB on 19-11-2018.
55. Further, all Directions given by the TSPCB from time to time are already complied without deviations. Copy of the compliance Status Report to the Consent for Operation Conditions, dated 17.07.2019, is annexed herewith as **Annexure – 12A**. A copy of the Compliance Status Report to the Directions dated 18.10.2019 issued by the TSPCB, dated 09.01.2020 is annexed herewith as **Annexure – 12B**. Compliance to the directions specifically alleged by the Applicants in its Application, as not being complied with by the Answering Respondent company, is as follows:

DIRECTION	COMPLIANCE
The industry shall not operate without consent of the board	The industry has obtained Consent for Operation from the TSPCB vide order dated 14.02.2019 with validity up to 31.03.2024.
The industry shall comply with the CFO & HWA conditions and directions dated 26.11.2018 scrupulously.	The TSPCB has acknowledged, in its order dated 04.03.2020, the compliance of all the conditions stipulated in the directions dated 26.11.2018 and 18.10.2019 have been complied with and duly acknowledged by the TSPCB, as evident in its order dated 04.03.2020 in Paragraph 14. To



summarise the compliance of the directions:

- Water consumption is 722 KLD(Avg.) against the consented capacity of 2199KLD.
- The 8th Respondent Company has installed online stack monitoring system to the common stack attached to 24 TPH & 16 TPH coal fired boilers and connected to the TSPCB server.
- The 8th Respondent Company is maintaining good housekeeping.
- The 8th Respondent Company is having two solvent recovery plants and recovering and reusing the solvents within the premises and the mixed spent solvents are being disposed to end users.
- No discharge of effluents/chemicals/spillages were observed during inspection.
- The 8th Respondent Company has developed green belt in about Ac.230 of land.
- The 8th Respondent Company has Installed three (03) Continuous Online Ambient Air



	<p>Quality monitoring stations and the same are connected to TSPCB server.</p> <ul style="list-style-type: none"> The 8th Respondent Company has manufactured 21 consented products and 5 R&D products of quantity 5704.3kg/day as against the consented capacity of 7327.54kg/day
<p>The industry shall restrict the quantities of production, products, water consumptions including the recycled water, wastewater generation & disposal, hazardous waste generation & disposal etc., within the permitted quantities as mentioned in the CFO & HWA order and maintain the records separately.</p>	<p>The TSPCB vide its order dated 04.03.2020, annexed in Annexure - 1C, has acknowledged the compliance of this requirement in Paragraph 14.3, complied in pursuance of the directions dated 18.10.2019.</p>
<p>The industry shall continuously segregate the effluent generated into HTDS & LTDS effluents and store only in above ground level storage tanks duly maintaining required free board to avoid overflows / spillages. v) (sic) The industry shall not store any effluents in drums or tankers etc.</p>	<p>The TSPCB vide its order dated 04.03.2020, annexed in Annexure - 1C, has acknowledged the compliance of this requirement in Paragraph 14.4, complied in pursuance of the directions dated 18.10.2019.</p>
<p>The industry shall transfer the effluent through permanent pipelines only and shall not use any temporary flexible hose pipes for</p>	<p>The TSPCB vide its order dated 04.03.2020, annexed in Annexure - 1C, has acknowledged the compliance of this requirement in Paragraph 14.5,</p>



transfer of effluents under any circumstances.	complied in pursuance of the directions dated 18.10.2019.
The industry shall not discharge any effluents / seepages / spillages / leakages / overflows within the premises and outside the industry premises.	The TSPCB vide its order dated 04.03.2020, annexed in Annexure - 1C , has acknowledged the compliance of this requirement in Remark No.13.
The industry shall regularly operate the ZLD system.	Respondent No. 8 is regularly operating ZLD system consisting of MEE system, Biological ETP followed by RO, and the TSPCB vide its order dated 04.03.2020, annexed in Annexure - 1C , has acknowledged the compliance of this requirement in Remark No.4.
The industry shall operate the scrubbers continuously and shall take appropriate measures for control smell nuisance within & outside the industry premises	Respondent No. 8 has installed 39 nos. of two stage scrubbers with online pH meter to control the process emissions and the TSPCB vide its order dated 04.03.2020, annexed in Annexure - 1C , has acknowledged the compliance of this requirement in Remark No.5.
The industry shall extend the validity of Bank Guarantee of Rs.32.0 Lakhs submitted to the Board from time to time before expiry, till further orders of the Board.	The Respondent No. 8 submitted the Bank Guarantee of Rs. 32,00,000/- (Rupees Thirty-Two Lakhs Only) bearing BG no/ 1303919BG000029 valid upto 16.07.2021 vide extension Lr. No.: DLL-1/Compliance to Direction/17-07-20/02 dated 17.07.2020, which is annexed herewith as Annexure - 13 .



56. With respect to Paragraph 15, it is submitted that the allegations of the Applicant about loss of health and revenue on agriculture yield are false and are baseless. It is reiterated that there are no such cases of loss health, as is evident from the certificates issued by the District Medical & Health Officer, Yadadri Bhuvanagiri, Veterinary Assistant Surgeon Primary Veterinary Centre Choutuppal and Mandal Agriculture Officer Choutuppal, which are annexed herewith in Annexures 5, 6 and 7 respectively. It is again reiterated that the villagers of Aregudem village made a visit to the ZLD facilities in the factory on 20-12-2019, systems for water treatment and air monitoring in the factory were explained to them. All the doubts raised by them were clarified to their satisfaction. This was undertaken as part of generating awareness amongst the villagers, the tour was facilitated by 8th Respondent. The photographs showing their visit are annexed herewith as **Annexure - 4**.
57. Further, even though the order dated 24.10.2017 cited by the Applicant, with respect to Application No. 69-72 of 2013, is not related to 8th Respondent company, the industrial Areas covered in Patancheruvu - Bollaram was spread across thousands of Acres and might have been generating air pollution and water pollution which is not the same in the Choutuppal area. However, the Hon'ble NGT in its order directed the concerned to undertake restoration activities. The NGT had ordered that unless and until the said units deposit an amount equivalent to 1% of the Annual turnover in the name of "Patancheruvu - Bollaram" Environment Relief Fund, Regulatory Authority shall not consider any of the applications of the existing units for expansion.
58. Whereas, in the present case, in Choutuppal Mandal, there are so many small & big units carrying out various forms of activities viz. Pharma, Spinning, Re-Tyres, Oil mills, Fertilizer (Pesticides), Bio-Tech, Granites and Rice mills etc are existing with a considerate distance from manufacturing unit of 8th Respondent Company. There are no industrial clusters / estates having number of similar types of manufacturing units in the cluster in Choutuppal (M). Further, 8th Respondent Company was established in 1990s when the effluent treatment facilities were not in place. The 8th Respondent Company has complied with the current norms for effluent treatment and have in place



well established mechanism for managing effluents in effective manner. In light of this, similar type of fund is not required to be established as there is no damage caused by the 8th Respondent Company, hence the order so passed in Application No. 69-72 of 2013 is redundant as upgraded technology for managing effluents are in place at manufacturing unit of the 8th Respondent Company.

59. In the recent past, the Govt. of Telangana State have established a new industrial park at Malkapur (V) of Choutuppal (M) and the same is under development. The industrial park is established after proper deliberations with the concerned departments for the purpose of upliftment of the society at larger public interest.
60. In view of the above facts, it is to state that the scenario at Choutuppal Mandal is not similar to the one at industrial units in Patancheru and Bollaram cluster. No air and water pollution like "Patancheruvu – Bollaram" Industrial Area is present to affect the human life as well as cattle and crop damages in Choutuppal (M), as certified by the DM & HO Yadadri Bhuvanagiri, Medical officer Choutuppal, Assistant veterinary surgeon Choutuppal. Hence, depositing an amount of 1% of Annual turnover of the previous year for seeking relief as represented by the applicants does not arise. Further, the precedent of the Hon'ble tribunal does not apply to this matter.
61. With respect to Paragraphs 16 and 17, the same do not relate to the 8th Respondent Company.
62. With respect to Paragraph 18, the allegations contained therein are vehemently denied since the allegations are nothing but mere statements without any proof and have been continuously repeated by the Applicants without success. It is reiterated that the present Application has been filed by the Applicants only with a malafide intention since it could not stop the laying of the 132 KVA lines and erection of towers, which connect to the Answering Respondent Company, by the TS TRANSCO. The Applicants are filing a flood of complaints and cases as a pressure mechanism to stop the smooth working of the industry. Further, the officials of the 3rd Respondent TSPCB, after inspecting the industry and its surroundings have confirmed that industry is



operating ZLD and there is no discharge of effluents within or outside the industry premises. Document with list of past inspections and the comments of the TSPCB inspectors is enclosed as **Annexure-14**.

63. With respect to Paragraph 19, the reply to paragraph 15 is reiterated. It is stated that unlike Patancheruvu- Bollaram, Choutuppal Mandal does not have industrial clusters with several manufacturing units. The industries therein are existing at a considerable distance from each other. The Govt of Telangana is at present developing a new industrial park in Malkapur in Choutuppal Mandal. The allegation that there is air pollution like that of Patancheruvu, Bollaram is unsubstantiated and baseless. Therefore, there is no question of the Answering Respondent depositing 1% of its Annual turnover, as claimed.
64. With respect to Paragraph 20, it is submitted that the allegations are mere repetitions of statements made throughout the application without a shred of evidence. It is reiterated that the 8th Respondent Company has installed full-fledged effluent treatment plant for Zero Liquid Discharge with advanced treatment technologies and complying with all statutory requirements. It is further reiterated that samples are constantly being tasted and there has not been any deviation from the prescribed standards.
65. With respect to Paragraph 21, it is primarily submitted that from initially submitting about excessive drawl of water, the Applicants have shifted its allegations to usage of the polluted water. It is evident from this allegation that the intent of this application is to somehow place accusations on the 8th Respondent Company in every possible manner. On merits, it is submitted that water is most widely used substance and used in the processing, cleaning and quality control. The acceptable grade water depends on the stages at which it is to be used during the manufacturing/ cleaning. Water quality depends on validation and qualification of water purification, storage and distribution systems. The process water quality is required to meet the GMP requirement and form an integral part of the GMP inspections. No quality compromise is observed by the 8th Respondent Company in its manufacturing process. The water is purified to improve its quality to meet the specification as issued in manufacturing process required to meet the GMP standards and is subjected



for scrutiny by the concerned authorities, Customers and International Auditors. The water purification system meeting International Standards is installed in the factory. The copies of water analysis reports of the water drawn from Musi River and ground water are annexed herewith **Annexure 15**.

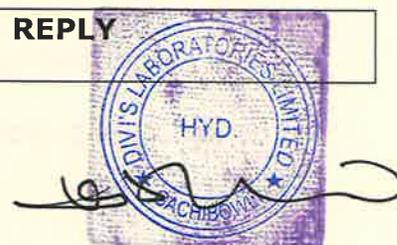
66. With respect to Paragraphs 22 and 23, the allegations contained therein vehemently denied, false and are mere statements made to give the Application a serious tenor, which though is untrue. But it is reiterated that the 8th Respondent Company has been compliant of all rules, regulations, directions, orders and the law concerning the environment and there has not been a single violation by the 8th Respondent Company.

67. With respect to Paragraph 24, it is submitted that the contentions contained therein are vague and against Public Interest. The Respondent no.8 is engaged in manufacturing pharmaceutical products which are supplied to its customers globally and in domestic market. The Respondent No.8 has provided employment to several individuals and has initiated several CSR activities in the areas and villages in the nearby surrounding areas. Manufacturing unit of Respondent No. 8 being ZLD unit the same shall be allowed to operate from the current place to provide further employment opportunities to the people by means of expansion. The ZLD system established at Respondent No. 8 is of latest technology. Even in pharma city, no additional benefits are provided and compliance with environmental laws is a pre-requisite and conditions for operating the unit from the concerned authority are to be followed. The 8th Respondent Company is already following the norms and conditions laid by the concerned authorities.

68. With respect to Paragraph 25, the allegations are denied as being totally false and devoid of any merit. Further, it is reiterated that all the conditions as direction in the Consent for Establishment and Consent for Operation are being complied with.

69. With respect to the grounds, the reply to each specific ground is as follows:

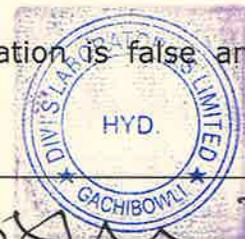
GROUND	REPLY
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<p>A. Because the directions issued by Telangana State Pollution Control Board / APPCB are not being implemented. As per the directions issued by the Member Secretary, Telangana Pollution Control Board, the Respondent No. 8 has not taken up any mitigate measures on 18-10-2019 which clearly establishes that the grant of consent is illegal.</p>	<p>All directions issued by the TSPCB and those given in the Consent to Operate are strictly being followed by the 8th Respondent Company. A perusal of the order dated 04.03.2020 issued by the TS PCB, in annexure – 1B, clearly shows that not only have the directions issued on 18.10.2019 have been fully complied with, periodical tests and analysis of samples also prove that there has been no pollution caused by the 8th Respondent Company.</p>
<p>B. Because the Respondent No.8 industry has not submitted the NEERI study report for installation of Piezometric wells in and around the industry as per the directions of the TSPCB.</p>	<p>The piezometric wells have been set-up and NEERI study report has also been submitted to the TS PCB and the same is annexed herewith as Annexure – 11.</p>
<p>C. Because on the report of the AP Pollution Control Board in the Combined Andhra Pradesh, G.O. dated 21-09-2007 was amended vide order dated 25-07-2013. An order under Section 19 Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 was issued which reads:</p> <p style="text-align: center;"><i>“Provided that the expansion of production of all types of existing Bulk Drug Intermediate manufacturing units are permitted, subject to the installation</i></p>	<p>The 8th Respondent Company is operating a Zero Liquid Discharge Manufacturing Unit, and it has been observed by the TS PCB that there was no discharge of effluents either inside or outside of the manufacturing units.</p>



<p><i>of Zero Liquid Discharge (ZLD) facilities by such units and subject to the outcome of cases pending in the National Green Tribunal, Southern Zone, Chennai or in any other court. The pollution load of industrial unit shall be assessed at the point of Discharge, as provided in Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981'</i></p>	
<p>D. Because of the respondent unit are not following the ZLD system at point of Discharge instead they are filling in the Bore wells dug inside the unit premises.</p>	<p>The 8th Respondent Company is operating a ZLD. Further, TSPCB has analysed the samples from borewell to conduct fingerprints analysis to verify whether the effluents used in the factory are present in the borewell water samples collected from the agriculture fields. It was stated that, no chemicals are present in the borewell water.</p>
<p>E. Because it is clear that the adverse environment impact and health impact are still prevalent in this area as no health study was conducted in this area by the government authorities</p>	<p>It is submitted that, there are no such cases as alleged in the application. The same has also been certified by the District Medical & Health Officer, Yadadri Bhuvanagiri, Veterinary Assistant Surgeon Primary Veterinary Centre Choutuppal and Mandal Agriculture Officer Choutuppal are here with enclosed as Annexure 5, 6 and 7 respectively.</p>
<p>F. Because massive misrepresentation of data regarding Air quality and water quality has been done because the</p>	<p>All the requisite systems are in place as stated and the allegation is false and backed by no proof.</p>



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inspection noticed bad odour at two places.	
<p>G. Because Public hearing was not conducted before granting the massive industrial activity in Choutuppal and other area of Yadadri Bhuvanagiri districts in Telangana State.</p> <p>H. Because Private Pharma industries are taking the advantage of flexible EIA notification and escaping from the scrutiny of Expert Appraisal committee of Union Environment, Forest & CC.</p>	<p>As per Office Memorandum bearing no. J-11011/321/2016- IA. II (I) issued by Impact Assessment Division, Ministry of Environment, Forest and Climate Change, Government of India. exemption from Public Consultation, is provided under para 7(i) III Stage (3)(i)(b) of EIA Notification, 2006, to the projects or activities located within the Industrial Estates or Parks, if applicable as under:</p> <ul style="list-style-type: none"> • Which were notified by the Central Government or the State/UT governments, prior to the Notification coming into force from 14th September. 2006. • Which obtain prior environmental clearances as mandated under the EIA Notification, 2006 [item 7(c) of the schedule to the Notification]. <p>In addition to above, exemption is also applicable for projects or activities which were granted Terms of Reference prior to environmental clearances to such industrial estates/parks, subject to validity of the ToR's.</p> <p>As Respondent No. 8 is carrying out manufacturing activities since 1990 and is situated in a Notified Industrial area,</p>



	<p>the Project is exempt from the process of Public Hearing as per OM dated 10.12.2014, 04.04.2016 and 27.04.2018 of MoEF & CC, Government of India under EIA Notification 2006. A copy of the Office Memorandum dated 27.04.2018 is annexed herewith as Annexure – 3.</p>
<p>I. Because the Hon'ble Supreme Court of India has held in several cases that the principle of precaution under the international law is now part of the Indian municipal law. In Vellore Citizens' Welfare Forum V. Union of India 1996 (5) SCC 647, the Court held that the Precautionary Principle in the municipal law context means –</p> <p>Environment measures – by the State Government and the statutory Authorities – must anticipate, prevent and attack the causes of environmental degradation.</p> <p>I. <i>Where there are threats of serious and irreversible damage lack of scientific certainty should not be used as the reason for postponing, measures to prevent environmental degradation.</i></p> <p>II. <i>The "Onus of proof" is on the actor or the developer /</i></p>	<p>There is no evidence that the 8th Respondent Company has caused pollution. Further, the Answering Respondent has showed the due care and caution exercised by it in its operation of the manufacturing unit, and it has been established that all systems are in place and are perfect in its working to ensure that there is no pollution being caused in the working of the manufacturing unit. Further, the Applicants cannot merely accuse, and then shift the burden of proof on the Answering Respondent. Even though the Answering Respondent has proved that its actions are environmentally benign, the Applicants have failed to establish, even <i>prima facie</i>, that there is some merit to the allegations.</p>



<p><i>industrial to show that his action is environmentally benign'.</i></p>	
<p>J. Because the adverse impact on the people, environment, ground water is irreparable. Hence the intervention of this Hon'ble Tribunal is essential.</p>	<p>It has been established that the ground water has not been polluted and the same has been evidenced in various reports of the TS PCB, and in specific, in its report dated 04.03.2020, annexed in Annexure - 1C, and also in the Task Force Committee Enquiry Committee Report submitted to the TS HRC, wherein it has been clearly stated that ground water samples are not polluted.</p>

70. The Applicants keep filing cases with no adequate proof to create unreasonable pressure on the 8th Respondent Company. They are habitual litigants, who have been initiating one proceeding after another against the Answering Respondent, for oblique reasons, in as much as none of the allegations are substantiated and present proceedings also have been initiated only to tarnish the public image of the 8th Respondent Company. The mala fide intention of the Applicants is further established by the fact that, in an application claimed by the Applicants, to be of a public interest and against pollution in the area, where the 9th and 10th respondents have also been arrayed as respondents in addition to the 8th Respondent, all the allegations have been placed on the 8th Respondent, as if application has been filed solely against the 8th Respondent. This brings to light the intention behind filing the present application.
71. Time and again the applicants have made complaints against the 8th Respondent company, since it did not heed to their demands. They filed complaints on 08/03/2017, 09/02/2018, 08/11/2019, 13/11/2019, 28/11/2019, 30/12/2019, 04/12/2020, 17/01/2020, 09/01/2020 etc before TSPCB. Based on various complaints before TSPCB, the TSPCB officials inspected the manufacturing unit of the 8th Respondent and villages. During the



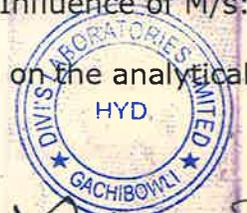
inspection the TSPCB officials collected water samples from bore wells for testing. Even the TSPCB has formed Rolling Task Force Teams and inspected manufacturing unit of 8th Respondent. Subsequently, the Answering Respondent was called for Task Force Committee meetings. The samples collected by various inspectors, were tested by TSPCB and the results were found to be within the prescribed standards.

72. Certain Directions were issued to the Answering Respondent after the Task Force meeting, as general routine compliance where the Answering Respondent has been found in compliance of various conditions put for CFO, CFE and EC. There was no single non-compliance from the inception of Respondent No.8's manufacturing unit. The directions issued by TSPCB from time to time are same as the conditions provided in CFO/CFE/EC which are complied with by the Answering Respondent on a regular basis.

73. During Task force review meeting, the Member Secretary referred to District Collector to constitute Multidisciplinary team to assess the ground water contamination caused by the industry. Accordingly, the District collector has constituted Multidisciplinary team to inspect and submit Joint inspection report. Multi-Disciplinary Team has conducted Joint inspection on 16-03-2021, 30-03-2021 and 16-04-2021 and submitted the report (Lr.No.C/1626/2019; dated: 17-06-2021) annexed as **Annexure 16**.

Following comments are extracted from the multi-disciplinary team inspection report. The team has collected around 20 Ground water samples from the agriculture borewells of surrounding villages as shown by the Villagers. The collected borewells were located at about 800 m to 5 km from the industry.

1. **Comments of District Agricultural dept:** As per soil samples, soil is suitable to grow crops and recommended crops are Sugar cane, Sugar beet, Oats, Barley, wheat, cotton sorghum, all millets, sun hemp, dalincha.
2. **Comments of Ground Water dept:** Analytical results reveal that the groundwater quality is suitable for agriculture purpose. Influence of M/s: Divi's Laboratories Limited effluents shall rule out basing on the analytical results of water samples collected and analysed.



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3. **Comments of NEERI:** All the parameters were within the permissible limits of BIS except for TDS, chlorides. The high values of TDS and chloride are due to the rock water interaction. The underlying rocks contribute to the high values of ground water samples.
4. **Comments of TSPCB:** The parameters of air quality are within the National Ambient Air quality standards.
74. On 21.10.2021, Integrated Regional Office (IRO), MoEF&CC has monitored the industry to verify the compliance status of conditions stipulated in the EC. Mr. E. Arockia Lenin, an official from MoEF&CC has submitted report dated 10.01.2022 (Ref: E-File No.ENV/IRO-HYD/MR-03/B/2021/338) wherein it is stated that "*as per EIA notification 2006, this project comes under category 5(f) which appraised at state level and it is located in the industrial area. Hence, conducting public hearing is not under purview of EIA notification 2006*". Report is annexed herewith as **Annexure 17**.
75. The operation of the answering respondent is closely monitored by all the regulatory authorities and routine inspections and environmental audits are conducted from time to time to ensure that the industry is in compliance with all applicable standards and norms. As per the regular monitoring regional officer (RO) Rangareddy, has conducted a computerized inspection dt 15.04.2022 wherein no non-compliances are found by the inspectors. Report is annexed herewith as **Annexure 18**. Similarly Regional officer (RO), Nalgonda TSPCB (AEE & AES) has inspected on 28.04.2022 and collected Random samplings of LTDS & HTDS effluents, wherein no non-compliances found by the inspectors from the industry.
76. It is to submit that in Appeal No: 141/2018 before the National Green Tribunal, a committee was appointed by NGT which inspected manufacturing unit of the 8th Respondent company on 18-03-2019 and no non-compliance was found. Copy of the order dated 21.10.19 is annexed herewith as **Annexure - 19**. Moreover, Respondent No. 8 was commended for its ETP facility at the manufacturing unit, as being one of the best ETPs in India. This Respondent is a responsible corporate citizen and is fully committed to



implementing environmentally sound practices and has been diligently complying with the directions issued by the 3rd Respondent, from time to time. From all the submissions made herein above, it is evident that the present Appeal is not only vexatious but is also a gross abuse of the process of this Hon'ble Tribunal, solely filed for the purpose of pressurising and causing disrepute the Answering Respondent and has no merit in it.

It is therefore, humbly prayed that this Hon'ble Tribunal may dismiss the Application with costs and pass such order/orders as this Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on this
28th day of September 2023 and signed
his name in my presence.

[Handwritten signature]



BEFORE ME

[Handwritten signature] 4212/22
ADVOCATE, CHENNAI

B. Krishna Panamyan
No:2, Law Chambers,
High Court Campus,
Ch-104

**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT
CHENNAI**

OA No. 80 of 2020

Between:

KALUSHYA PARIRAKSHANA
SAMITHI (Erstwhile Society)

...Appellants

And

Union of India & Ors.

...Respondents

**TYPED SET OF DOCUMENTS
FILED BY 8th RESPONDENT**

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