

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI.**

**O. A. No 82 of 2021 (SZ)**

**BETWEEN**

Dharmesh Shah,  
Chennai.

.....Applicant

VS

Union of India and 13 Others

.....Respondents

**COUNTER AFFIDAVIT FILED BY THE  
4<sup>TH</sup> RESPONDENT**

Date:-26.10.2021



**M/s MADHURI DONTI REDDY  
ADVOCATE**

**STANDING COUNCIL FOR GOVERNMENT OF  
ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD  
T.T.D. SUPREME COURT OF INDIA**

#S2, Royal Castle, 26, Gill Nagar Extension, Choolaimedu,  
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**COUNSEL FOR Respondents 3 & 4**

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

**ORIGINAL APPLICATION No. 82 of 2021**

IN THE MATTER OF:

DHARMESH SHAH  
R/o No.92, Thiruvalluvar Nagar,  
3<sup>rd</sup> Street, Besant Nagar,  
Chennai – 600090  
Email: [litigation.life@gmail.com](mailto:litigation.life@gmail.com)  
Mobile No.+91 93124 07881

... APPLICANT

VERSUS

1. UNION OF INDIA  
Through the Secretary,  
Ministry of Environment, Forest & Climate Change  
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Jorbagh, New Delhi – 110 003.  
Mail: [secy-moef@nic.in](mailto:secy-moef@nic.in)  
Phone: 91-11-24695262
2. CENTRAL POLLUTION CONTROL BOARD  
Through the Member Secretary  
Parivesh Bhawan, East Arjun Nagar,  
Delhi - 110032  
Mail : [mccb@cpcb.nic.in](mailto:mccb@cpcb.nic.in)  
Phone: 91-11-22306001
3. STATE OF ANDHRA PRADESH  
Through the Chief Secretary  
1<sup>st</sup> Block, 1<sup>st</sup> Floor, Interim Government Complex  
A.P. Secretariat Office, Velagapudi  
Email : [cs@ap.gov.in](mailto:cs@ap.gov.in)  
Phone: +91 863 2441024
4. ANDHRA PRADESH POLLUTION CONTROL BOARD  
Through the Member Secretary  
D.No.33-26-14/D2, Near Sunrise Hospital,  
Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet,  
Vijayawada – 520010.  
EMail: [membersecy@appcb.gov.in](mailto:membersecy@appcb.gov.in)  
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MEMBER SECRETARY  
A.P. Pollution Control Board  
VIJAYAWADA - 520 010

5. STATE OF KARNATAKA  
Through the Chief Secretary  
Room No.320, 3<sup>rd</sup> Floor,  
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6. KARNATAKA STATE POLLUTION CONTROL BOARD  
Through the Member Secretary  
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Church Street,  
Bangalore – 560001.  
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7. STATE OF TELANGANA  
Through the Chief Secretary  
5<sup>th</sup> Floor, Burgula Rama Krishna Rao Bhavan,  
Hill Fort, Adarsh Nagar,  
Hyderabad, Telangana – 500063  
Email: [cs@telangana.gov.in](mailto:cs@telangana.gov.in)  
Phone: 040 23455340
  
8. TELANGANA STATE POLLUTION CONTROL BOARD  
Through the Member Secretary  
A-3, ParyavaranBhavan,  
Sanath Nagar Road,  
Sanath Nagar Industrial Estate,  
Hyderabad, Telangana 500018  
Email: [ms-tspcb@telangana.gov.in](mailto:ms-tspcb@telangana.gov.in)  
Phone: 040 2388 7500
  
9. UNION TERRITORY OF PUDUCHERRY  
Through the Chief Secretary Main Building,  
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Beach Rd, White Town, Puducherry 605001  
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10. PUDUCHERRY POLLUTION CONTROL COMMITTEE  
Through the Member Secretary  
II Floor, PHB Building,  
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MEMBER SECRETARY  
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11. STATE OF KERALA  
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Government Secretariat  
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12. KERALA STATE POLLUTION CONTROL BOARD  
Through the Member Secretary  
Pattom P.O.  
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13. STATE OF TAMILNADU  
Through the Chief Secretary  
Government Secretariat  
Fort St George  
Chennai - 600 009.  
Email: [cs@tn.gov.in](mailto:cs@tn.gov.in)  
Phone: 044 - 25671555
14. TAMIL NADU POLLUTION CONTROL BOARD  
Through the Member Secretary  
Tamil Nadu Pollution Control Board  
76, Mount Salai, Guindy, Chennai - 600 032.  
Email: [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)  
Tel: 044 - 22353134 - 139

... RESPONDENTS

**COUNTER AFFIDAVIT FILED BY THE 4<sup>th</sup> RESPONDENT**

I, Vijay Kumar G Srkr, Son of G Krishnaiah, Hindu, aged about 59 years, holding post of Member Secretary, Andhra Pradesh Pollution Control Board (APPCB), D.No.33-26-14/D2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada - 520010 do hereby solemnly affirm and sincerely state as follows:-

2. I am the deponent herein and as such I am well acquainted with the facts of the case and competent to swear to this counter affidavit. I have been authorized to file this counter affidavit on behalf of the 4<sup>th</sup> respondent.

  
MEMBER SECRETARY  
A.P. Pollution Control Board  
VIJAYAWADA - 520 010

3. This respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit.

4. With regard to the averments made in paragraph 1 & 2 of the affidavit, they are not related to this respondent and hence there are no comments.

5. With regard to the averment made in Paragraph 3 of the affidavit is denied as false. It is submitted that the Central Pollution Control Board (CPCB) vide order dt: 05.02.2014 directed the State Pollution Control Boards (SPCBs) to monitor the release of pollutants from 17 category industries i.e emissions and effluent parameters, before discharge. As per the directions of CPCB, all the 17 categories of highly polluting industries, common treatment facilities installed CEMS / CEQMS (Continuous Emission Monitoring System / Continuous Effluent Quality Monitoring System) to measure the quality of air and water pollutants before releasing into the environment. Similarly, major industries installed CAAQMS (Continuous Ambient Air Quality Monitoring Systems) to monitor ambient air quality. These Online monitors were connected to the APPCB server for monitoring the data against the standards stipulated by the APPCB. The same information is also publishing on the APPCB website ([www.pcb.ap.gov.in](http://www.pcb.ap.gov.in)) under the section Real-time pollution monitoring system (RTPMS). The APPCB closely monitors the data and sends SMS to the industry representatives whenever the parameters are exceeding the standards.

6. With regard to the averments made in paragraph 4 of the affidavit is not related to this respondent and hence there is no comment.

  
MEMBER SECRETARY  
A.P. Pollution Control Board  
VIJAYAWADA - 520 010

7. With regard to the averment made in Paragraph 5 of the affidavit is denied as false. It is submitted that the APPCB has established its central server and established connectivity to capture data from industries with established air quality and water quality monitoring stations. In the present system, the industries are acquiring data and directly transmitted it to the APPCB.

There were several challenges for implementing RTPMS in the state, such as quality assurance of equipment, adoption of suitable technology, proper installation, installation at the proper location, compliance check, reliable operation, ensuring credible data, tamper-proof data transfer, calibration and maintenance of the equipment etc. Further, the make and models of the analyzers of each industrial unit are varied and posed a significant hindrance.

The pollutants' data displayed on the home page of the official website of the APPCB for dissemination to the public.

At present, the data is being displayed for the past 24 hours duration. Apart from these industries data, the data of CAAQMS stations and manual monitoring of ambient air quality and water quality by the Board under National Ambient Air Quality Monitoring Programme (NAMP) and National Water Quality Monitoring Programme (NWMP) Projects also connected to this system and disseminated through the website.

8. With regard to the averments made in paragraph 6, 7 & 8 of the affidavit are not related to this respondent and hence there are no comments.

9. With regard to the averment made in Paragraph 9 & 10 of the affidavit is denied as false. The detailed status is submitted in above paras.

  
MEMBER SECRETARY  
A.P. Pollution Control Board  
VIJAYAWADA - 520 010

The present status of the industries that provided online data transmission to the APPCB is as below:

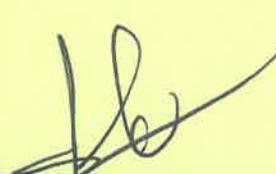
	17 Category	Other than 17 Category	Total
No. of industries Connected	305	46	351
No. of Emission stacks	505	39	544
No. of Ambient Air Quality Stations	238	23	261
No. of Effluent outlets	350	20	370
Ambient stations of APPCB (CAAQMS)			7
NAMP Stations			72
NWMP Stations			102

Further, APPCB developed a mobile application, namely PARYAVARAN, to disseminate Air Quality information across the state. Citizens can now get up-to-date air quality information across all districts in the state of Andhra Pradesh. The application was placed in the Google play store to disclose the AQI (Air Quality Index). The coordinates (Locations) of the monitoring stations are shown on Google maps.

10. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above Original Application No.82 of the 2021 and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Dated at --vijayawada--on this the 22nd day of April, 2021.

  
**FOURTH RESPONDENT**  
Member Secretary  
APPCB

MEMBER SECRETARY  
A.P. Pollution Control Board  
VIJAYAWADA - 520 010

**VERIFICATION**

I, Vijay Kumar G Srkr, Son of G Krishnaiah, holding post of Member Secretary, Andhra Pradesh Pollution Control Board (APPCB), D.No.33-26-14/D2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada – 520010 the 4th respondent, do hereby verify that what are all stated above are true and correct to the best of my knowledge, information and belief.

Verified at -----vijayawada----- on this the 22nd day of April, 2021.

  
**FOURTH RESPONDENT**  
Member Secretary  
APPCB

MEMBER SECRETARY  
A.P. Pollution Control Board  
VIJAYAWADA - 520 010