

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT CHENNAI

Interlocutory Application No. 85 of 2023

in

Appeal No. 9 of 2023

(Under Section 5A of Environment Protection Act, 1986 R/w. Section 16 (g) of National Green Tribunal Act, 2010)

Between:

M/s. Aranco, A Registered Partnership Firm

...Appellant

Vs.

Telangana State Pollution Control Board

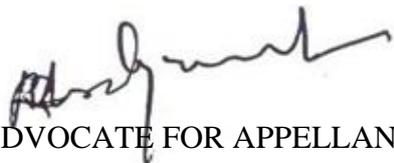
...Respondent

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2.	Memo dated 21.04.2023 filed in Appeal No.7 of 2023 seeking permission withdraw Appeal No. 7 of 2023 in view of Memo dated 21.04.2023 filed in OA Filing No. 3305130000202023.	3-4
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//Certified to be True Copies of the respective originals//

Dates this the 5th day of September, 2023 at Chennai


ADVOCATE FOR APPELLANT

Through
M/s. Vivrti Law, Advocates
Bharadwajaramasubramaniam R.
R. S. Diwaagar
Aishwarya Rukmani Krish K
Shilpa Subramanian
Counsel for the Appellant

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT CHENNAI**OA No. Filing No. 3305130000202023 of 2023****Between:**

M/s. Aranco,
A registered Partnership Firm,
(Wrongly identified as Unit-II of Sree Rama Engineering;
Constructions or Teja Reddy Crushers)
Having its Office at Plot No. B – 1403, Madhapur,
Fortune Towers, beside LOC Petrol Bunk, Madhapur Village,
Serilingampally Mandal, Ranga Reddy District.
Represented by its Managing Partner Shiva Teja Reddy

...Applicant

Vs.

Telangana State Pollution Control Board
Zonal office, Hyderabad
Having its office at H. No. 6-3-1219,
TS No.1 Part, Block-C, Ward No.91, Near County Club,
Uma Nagar, Begumpet, Hyderabad.

...Respondent

MEMO FILED ON BEHALF OF THE APPLICANT

The Counsel undersigned respectfully submits as follows:

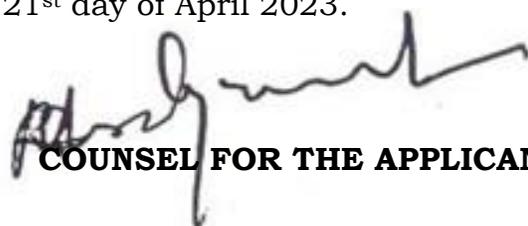
1. That the Applicant has filed the captioned Application assailing *inter alia* the Order No. 15-RR-I/TSPCB/ZO-HYD/TF/2022-1240 dated 12.11.2022 (the "**Impugned Order**") passed by Respondent herein. The Applicant had preferred the subject Application on that basis that the Impugned Order has been issued in furtherance to the orders of this Hon'ble Tribunal and not in furtherance to any provisions of the Environmental Protection Act, 1986 or the Acts mentioned under Schedule I of the National Green Tribunal Act, 2010.
2. That, however, since the subject Application was not registered despite the endorsement provided on behalf of the Applicant herein on maintainability, the Applicant preferred an appeal under Section 5A of Environment Protection Act, 1986 R/w. Section 16 (g) of National Green Tribunal Act, 2010 against the Impugned Order and the same came to be registered as Appeal No. 07 of 2023, along with the application for condonation of delay in the Appeal registered as IA No. 45 of 2023 in Appeal No. 07 of 2023.
3. That on 18.04.2023, when IA No. 45 of 2023 in Appeal No. 07 of 2023 was listed for consideration before this Hon'ble Tribunal, the Counsel undersigned sought leave of this Hon'ble Tribunal and undertook to:
 - a. file a Memo in this subject Application, seeking to have the Application in Filing No. 3305130000202023 of 2023 converted into

an Appeal under Section 5A of the Environment Protection Act, 1986 R/w. Section 16 (g) of National Green Tribunal Act, 2010; and

- b. file a Memo seeking to withdraw the Appeal No. 07 of 2023, along with the Interlocutory Applications therein, in view of the Memo being filed for conversion of the instant Application into Appeal.

In view of the foregoing, the Counsel for the Applicant most humbly prays that this Hon'ble Tribunal be pleased **to permit the Applicant herein to convert the subject Application in Filing No. 3305130000202023 of 2023 into an Appeal under Section 5A of the Environment Protection Act, 1986 R/w. Section 16 (g) of National Green Tribunal Act, 2010**, and pass such other order as may be deemed necessary.

Dated at Chennai on this the 21st day of April 2023.


COUNSEL FOR THE APPLICANT

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT CHENNAI**Appeal No. 07 of 2023****Between:**

M/s. Aranco,
 A registered Partnership Firm,
 (Wrongly identified as Unit-II of Sree Rama Engineering;
 Constructions or Teja Reddy Crushers)
 Having its Office at Plot No. B – 1403, Madhapur,
 Fortune Towers, beside LOC Petrol Bunk, Madhapur Village,
 Serilingampally Mandal, Ranga Reddy District.
 Represented by its Managing Partner Shiva Teja Reddy

...Appellant

Vs.

Telangana State Pollution Control Board
 Zonal office, Hyderabad
 Having its office at H. No. 6-3-1219,
 TS No.1 Part, Block-C, Ward No.91, Near County Club,
 Uma Nagar, Begumpet, Hyderabad.

...Respondent

MEMO FOR WITHDRAWAL FILED ON BEHALF OF THE APPELLANT

The Counsel undersigned respectfully submits as follows:

1. That the Appellant has filed the captioned Appeal assailing *inter alia* the Order No. 15-RR-I/TSPCB/ZO-HYD/TF/2022-1240 dated 12.11.2022 (the "**Impugned Order**") passed by Respondent herein.
2. The Appellant had originally preferred an Application (Filing No. 3305130000202023 of 2023) under Section 14 of NGT Act, 2010 on the basis that the Impugned Order has been issued in furtherance to the orders of this Hon'ble Tribunal and not in furtherance to any provisions of the Environmental Protection Act, 1986 or the Acts mentioned under Schedule I of the NGT Act, 2010.
3. However, since the said Application was not registered despite the endorsement provided on maintainability, the Appellant preferred the instant appeal under Section 5A of Environment Protection Act, 1986 R/w. Section 16 (g) of National Green Tribunal Act, 2010 against the Impugned Order and the same came to be registered as Appeal No. 07 of 2023, along with the application for condonation of delay in the Appeal registered as IA No. 45 of 2023 in Appeal No. 07 of 2023.
4. That on 18.04.2023, when IA No. 45 of 2023 in Appeal No. 07 of 2023 was listed for consideration before this Hon'ble Tribunal, the Counsel undersigned sought leave of this Hon'ble Tribunal and undertook to:
 - a. file a Memo in the Application (Filing No. 3305130000202023 of 2023), seeking to have the Application in Filing No.

3305130000202023 of 2023 converted into an Appeal under Section 5A of the Environment Protection Act, 1986 R/w. Section 16 (g) of National Green Tribunal Act, 2010; and

- b. file a Memo seeking to withdraw the subject Appeal No. 07 of 2023, along with the Interlocutory Applications therein, in view of the Memo being filed for conversion of the Application(Filing No. 3305130000202023 of 2023) into Appeal.

In view of the foregoing, the Counsel for the Appellant most humbly prays that this Hon'ble Tribunal be pleased to permit the Appellant WITHDRAW the Appeal No. 07 of 2023, along with the Interlocutory Applications therein, and pass such other order as may be deemed necessary.

Dated at Chennai on this the 21st day of April 2023.



COUNSEL FOR THE APPELLANT

Item No. 04:BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**I.A. No. 45 of 2023(SZ)****In****Appeal No. 07 of 2023 (SZ)**

(Through Video Conference)

IN THE MATTER OF

M/s Aranco,A registered Partnership Firm,
Represented by its Managing Partner Shiva Teja Reddy,
Having its Office at Plot No. B-1403, Madhapur Village,
Fortune Towers, beside LOC Petrol Bunk,
Serilingampally Mandal, Ranga Reddy District.

...Appellant(s)

*Versus***The Telangana State Pollution Control Board,**Zonal Office, Hyderabad,
having its Office at H. No. 6-3-1219,
No. 1 Part, Block- C, Ward No. 91,
Near County Club, Uma Nagar,
Begumpet, Hyderabad

...Respondent(s)

Date of hearing: 25.04.2023.**CORAM:****HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Appellant(s):

Mr. R. S. Diwaagar.

For Respondent(s):

NA

ORDER

1. The Learned Counsel appearing for the appellant seeks permission to withdraw the Appeal by filing a memo dated 21.04.2023 to that effect which reads as follows:

“...4. That on 18.04.2023, when I.A. No. 45 of 2023 in Appeal No. 07 of 2023 was listed for consideration before this Hon'ble Tribunal, the Counsel undersigned sought leave of this Hon'ble Tribunal and undertook to:

- a. File a memo in the Application (Filing No. 3305130000202023 of 2023) seeking to have the application in Filing No.3305130000202023 of 2023 converted into an Appeal under Section 5A of the Environment (Protection) Act, 1986 R/w Section 16(g) of National Green Tribunal Act, 2010; and
- b. File memo seeking to withdraw the subject Appeal No. 07 of 2023 along with the Interlocutory Applications therein, in view of the memo being filed for conversion of the application (Filing No. 3305130000202023) into Appeal.”

2. In view of the same, the above Appeal is dismissed as withdrawn.

3. In view of the dismissal of the above Appeal, I.A. No. 45 of 2023 filed for condonation of delay also stands dismissed.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

I.A. No. 45/2023(SZ) In
Appeal No.07/2023(SZ)
25th April, 2023. (AM)

