

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

**APPEAL No. 8 of 2023**

**IN THE MATTER OF:**

**KHAMBAMPATI VENATA RAMESH**

**..... APPLICANT**

**VERSUS**

**THE JOINT CHIEF ENVIRONMENTAL ENGINEER THE AP POLLUTION  
CONTROL BOARD ZONAL OFFICE ANR AND OTHERS**

**..... RESPONDENTS**

**REPORT FILED BY THE APPCB 1ST RESPONDENT**

**DATE: 21.10.2024**



**M/s MADHURI DONTI REDDY**

**ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD**

**#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai - 600 094.**

**Mobile: 98407 98460 / 63831 21322,**

**Email: [reddymadhuri09@gmail.com](mailto:reddymadhuri09@gmail.com)**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (N.G.T)  
SOUTHERN ZONE (SZ), CHENNAI.

Appeal No. 08 of 2023(SZ)

Sri Khambampati Venkata Ramesh

Appellant

Versus

The Joint Chief Environmental Engineer,  
A.P. Pollution Control Board,  
Zonal office, Vijayawada.

Respondent

INDEX

| S.No | Particulars  | Page No. |
|------|--|----------|
| 1.   | Status report submitted to the Hon'ble N.G.T (SZ), Chennai.        | 1-47     |
| 2.   | Parawise remarks on the Appeal No. 08 of 2023 (SZ).                | 48-51    |
| 3.   | Report submitted to the JCEE, APPCB, ZO, Vijayawada on 16.10.2024. | 52-57    |
| 4.   | N.G.T order dated.30.07.2024 in Appeal No.08 of 2023 (SZ)          | 58-59    |

Place: Vijayawada

Date:21.10.2024

*Prinivot*  
*21/10*  
Environmental Engineer  
APPCB, RO, Vijayawada

**The status report on the Hon'ble N.G.T Order dated.30.07.2024 in Appeal No.08 of 2023 (SZ) filed by Sri Kambhampati Venkata Ramesh on M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District.**

It is humble submit that M/s. Sri Ratnam Modern Rice and Floor Mill is located at Thadanki(V), Pamidimukkala (M), Krishna District and is involved in the milling of the paddy to produce Raw rice. This is a small scale raw rice mill.

A compliant was made by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukkala(M), Krishna District against M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District causing air & noise pollution by filling W.P. No.12269 of 2021 in the Hon'ble High Court of AP. **Annexure-I**

The W.P.No.12269 of 2021 was disposed on 26.09.2021 and the regional office Vijayawada received the order from Collectorate, Krishna Machilipatnam on 16.07.2021 to take necessary action. The writ petition disposed with the following order:

***"Hence, we dispose of the Writ Petition directing respondent No.5 to consider the representation of the petitioner at Page No.28 of the Writ Petition and upon due enquiry and opportunity of hearing to the petitioner and other affected persons including the non-official respondent No.9 to take appropriate decision in the matter within three (3) months from the date of communication of this order, in accordance with law. Needless to mention, in the event respondent No.5 comes to a conclusion running of the mill is causing environmental pollution in the area, it shall pass appropriate orders to ensure abatement of pollution in the locality.***

***We make it clear that we have not gone into the merits of the matter, which is kept open to be decided by respondent No.5 independently and in accordance with law, with the above directions, the Writ Petition is disposed of. No orders as to costs".***

In obedience to the Hon'ble High Court of A.P. orders, the officials of Regional office, Vijayawada have inspected the rice mill on 24.07.2021 and observed that Sri K.V Ramesh is operating the rice mill and Sri K.V. Ramesh taken the rice mill i.e., M/s. Sri Ratnam Modern Rice and Floor Mill on lease basis for the period 18.08.2017 to 17.08.2027 vide agreement dated.18.08.2017. The complainant Sri K.Gopala Krishna's house is located towards North side of the rice mill. The Regional office, Vijayawada issued a showcause notice to the rice mill on 29.07.2021 for causing air, noise pollution & odour nuisance by the rice mill to the surrounding environment. **Annexure-II**

The RO, Vijayawada has received a letter from the District Panchayat Officer, Krishna, Machilipatnam on 17.08.2021 regarding implementation of the orders of the Hon'ble High Court of A.P. dated.29.06.2021 in W.P.No.12269 of 2021. **Annexure-III**

The officials of the RO, Vijayawada again inspected the rice mill on 22.09.2021 and observed certain non-compliances and requested the Zonal Office, Vijayawada vide letter No. W.P.No.12269/APPCB/RO-VJA/2021-784, Dated.23.10.2021 that the issue may be placed and reviewed before External Advisory Committee (EAC) of Zonal Office, Vijayawada and action to be initiated on the non-compliances reported. **Annexure-IV**

Based on the RO, Vijayawada report, the Joint Chief Environmental Engineer, Zonal Office, Vijayawada issued Review / Hearing notice to the occupier of the M/s. Ratnam Modern Rice Mill on 03.11.2021 to appear before the EAC on 05.11.2021 at 12:30 P.M. in person / through video conference with all necessary information. **Annexure-V**

The industry was reviewed in the External Advisory Committee (EAC) meeting held on 05.11.2021 duly giving opportunity for personal hearing to the rice mill as well as to the complainant. The lease holder of the rice mill and complainant have also attended the hearing in person. The EE and AEE, RO, Vijayawada attended the EAC meeting and informed that this is an old rice mill and operating since 1978. The complainant house is abutting the rice mill. Earlier the rice mill was operated with low capacity and now they have enhanced the capacity of the rice mill thereby causing pollution problems.

Sri K. Gopala Krishna, petitioner attended the EAC meeting and informed that hitherto the rice mill is being operated only with 20 to 30 bags of paddy on job work basis for local farmers and now they have enhanced its capacity to 1100 bags per day duly making modifications by erecting elevator resulting in the movement of lorries and tractors thereby air and noise pollution increased tremendously which is causing severe health problems to the family members. The rice mill is in operation even in the night times also due to which they are suffering with air and noise pollution, also requested to operate the unit without any pollution and also requested not to operate at nights.

Sri K.V. Ramesh, lease holder of the rice mill attended the hearing and informed the committee that at present they are processing 15 TPD of paddy. They have taken pollution control measures for control of air pollution duly providing cladding system towards the complainant house and also provided closed husk room to avoid dust nuisance to the complainant. The lease holder offered to take additional pollution control measures so that no pollution is caused to neighbours and ready to stop its operation during night time.

The External Advisory Committee after hearing to all concerned parties and recommended to issue directions to the rice mill and also to impose a Bank Guarantee of Rs.1.0 Lakh towards ensuring compliance of directions issued.

The Board issued the following directions to the rice mill on 08.11.2021: **Annexure-VI**

- a. The industry shall restrict the production capacity to 7.5 TPD only.
- b. The industry shall take all pollution control measures including noise control measures to avoid pollution nuisance to the surroundings including closed sheds, noise barriers covering the entire area towards complainant residence on or before 15.12.2021.
- c. The truck movement shall be allowed only from 9.00 AM to 6.00 PM only.
- d. The industry shall not operate the mill during night time and to restrict the operation including truck movement from 9.00 AM to 6.00 PM only.
- e. The industry shall obtain Consent for Operation of the Board for operation of the Rice mill.
- f. The industry shall submit a Bank Guarantee for Rs.1.0 Lakh towards ensuring compliance of the directions issued by the Board on or before 15.11.2021.

Further, on receipt of directions of the Board, Sri K.V. Ramesh lease holder of the rice mill filed a W.P. No. 29160 of 2021 before the Hon'ble High Court of A.P. against the Board directions dated.08.11.2021 and Sri K. Gopala Krishna, complainant is also a Respondent.

The complainant Sri K. Gopala Krishna also filed a Writ Petition No.7737 of 2022 before the Hon'ble High Court of A.P. stating that the rice mill is not implementing the directions of 3<sup>rd</sup> Respondent i.e., the Joint Chief Environmental Engineer, Zonal Office, A.P. Pollution Control Board dated.08.11.2021 and as well as the order dated. 29.06.2021 in W. P. No.12269 of 2021 passed by the Hon'ble High Court of A.P.

The Board officials have inspected the rice mill on 07.07.2022 and submitted a latest status report on the directions to the ZO, Vijayawada on 08.07.2022 for taking further necessary action. **Annexure-VII**

The issue was reviewed in the EAC meeting held at ZO, Vijayawada on 14.07.2022 and the ZO, Vijayawada had issued Closure order to the rice mill on 15.07.2022 for non-compliance of Board directions and directed to the SE (OP.), APCPDCL, Krishna District for disconnection of power supply to the rice mill. **Annexure-VIII**

The Board has stipulated a condition in the Board closure order dated 15.07.2022 if the industry is aggrieved by this order made by A.P. Pollution Control Board under Section 33(A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Section 31 (A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987, you may prefer an appeal before the Appellate Authority within 30 days from the date of receipt of the order.

The Board officials went to the rice mill to serve the closure order dated 15.07.2022 issued by the Board, but at that time the rice mill is not in operation and main doors were locked. No responsible person available at the rice mill to take the closure order. The Board officials pasted the closure order on the main doors of the rice mill on 16.07.2022. Copies of the photos enclosed. **Annexure-IX**

The JCEE, ZO, Vijayawada has filed counters for the above two Writ Petitions in the Hon'ble High Court of A.P. duly submitting the action taken by the Board. The above 2 cases were disposed by the Hon'ble High Court of A.P.

The lease holder of the rice mill Sri Kambhampati Venkata Ramesh has filed an appeal before the Hon'ble N.G.T (SZ) vide Appeal No.8 of 2023 challenging the closure order issued by the Zonal office, Vijayawada vide order dated.15.07.2022.

The Appeal No.8 of 2023 was listed at the Hon'ble N.G.T (SZ) on 27.04.2023, 01.05.2023 & 25.05.2023. The Hon'ble N.G.T has rejected the Appeal filed Sri Kambhampathi Venkata Ramesh. **Annexure-X**

***Para No.10: Nonetheless, Section 16 empowers only 60 days period to be condoned on furnishing sufficient cause. The National Green Tribunal Act, 2010 is a special statute prescribing a period of limitation for filing appeals. The Limitation Act, 1963 is not applicable to Tribunals created under special statute. As the appeal is not filed within the time provided under the Act, the same is liable to be rejected. Accordingly, I.A. No. 49 of 2023 is dismissed.***

***Para No.11: Consequently, the appeal is also rejected.***

The lease holder of the rice mill Sri Kambhampati Venkata Ramesh has filed a Civil Appeal No.5463 of 2023 before the Hon'ble Supreme Court of India. The Joint Chief Environmental Engineer, ZO, Vijayawada and complainant Sri K. Gopala Krishna are the respondents in the case.

The Hon'ble Supreme Court of India has disposed Civil Appeal on 04.12.2023 with the following order: **Annexure-XI**

***"Heard the learned counsel appearing for the parties.***

***Our attention is invited to the averment made in paragraph 3 of the application filed by the appellant before the National Green Tribunal (for short, "the Tribunal"). The averment is that till 20<sup>th</sup> December, 2022, the appellant had no knowledge about the order which was impugned by way of an appeal before the Tribunal. This aspect has not been considered in the impugned order. We, therefore, set aside the impugned order dated 25<sup>th</sup> May, 2023.***

***In our opinion, in view of the averments made in paragraph 3 of the application, the delay ought to have been condoned. Accordingly, without prejudice to the contentions raised by the respondents that the appeal was not maintainable, we condone the delay and restore Appeal No. 08 of 2023 (SZ) to the file of the Tribunal.***

***At the time of the hearing of the appeal before the Tribunal, the respondents can always raise the contention regarding maintainability of the appeal. The Tribunal will consider the said objection in accordance with law. The Appeal is, accordingly, allowed.***

***The Appeal is allowed in terms of the signed order. Pending application stands disposed of accordingly”.***

The lease holder of the rice mill has submitted the above order of the Hon'ble Supreme Court of India to the Hon'ble NGT, Chennai and the Appeal No.8 of 2023 was listed before the Hon'ble N.G.T (SZ) on 07.05.2024 and issued the following order: **Annexure-XI**

***“This matter has been remanded by the Hon'ble Supreme Court when the order of this Tribunal refusing to condone the delay was taken on challenge. So, the dismissal was set aside and the appeal was restored to file”.***

The Board officials have inspected the rice mill on 22.07.2024 and observed that the rice mill is not in operation and locked the premises.

Sri K.V. Ramesh, lease holder of the rice mill has submitted a representation to this office on 10.10.2024 informing that the status of compliance of the Board directions and requested to issue permission for running of the rice mill. **Annexure-XII**

The Board officials have inspected the rice mill on 18.09.2024 & 14.10.2024 and the status of the compliance of the Board directions dated.08.11.2021 is herewith submitted.

| Sl. No | Board Directions dated.08.11.2021   | Status of compliance  |
|--------|---|---|
| a.     | The industry shall restrict the production capacity to 7.5 TPD.   | At the time of inspection, the rice mill is not in operation.   |
| b.     | The industry shall take all pollution control measures including noise including closed sheds, noise barriers covering the entire area towards complainant residence on or before 15.12.2021. | The rice mill has provided the following: <ul style="list-style-type: none"> <li>❖ Closed shed for storage of the rice husk.</li> <li>❖ Permanent GI sheet cladding provided towards the complainant residential house i.e., North side.</li> <li>❖ Closed shed provided for carrying out Rice Milling activity.</li> </ul> |
| c.     | The truck movement shall be allowed only from 9.00 A.M. to 6.00 P.M. only.  | At the time of inspection, the rice mill is not in operation and hence no vehicular movement was observed at the rice mill.   |
| d.     | The industry shall not operate the mill during night time and to restrict the operation including truck movement from 9.00 A.M. to 6.00 P.M. only.  | The rice mill lease holder Sri K.V. Ramesh vide his letter dated.10.10.2024 has agreed to restrict the truck movement from 9:00 A.M. to 6:00 P.M. only and assured that the milling activity do not carried out during night times.   |

| Sl. No | Board Directions dated.08.11.2021   | Status of compliance  |
|--------|---|---|
| e.     | The industry shall obtain Consent for Operation of the Board for operation of Rice mill.  | Not complied.<br>The rice mill has not applied for consents of the Board.                           |
| f.     | The industry shall submit a Bank Guarantee for Rs.1.0 Lakh towards ensuring compliance of the directions issued by the Board on or before 15.11.2021. | Not complied.<br>The rice mill has not yet submitted a Bank Guarantee for an amount of Rs.1.0 Lakh. |

This office has submitted the status of compliance of the Board directions to Zonal office, Vijayawada on 16.10.2024, to take further necessary action, in view of the Hon'ble N.G.T directions dated.30.07.2024.

Place: Vijayawada

Date:21.10.2024

  
Environmental Engineer  
APPCB, RO, Vijayawada

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF JUNE  
TWO THOUSAND AND TWENTY ONE

PRESENT  
THE HON'BLE SRI JUSTICE JOYMALYA BAGCHI  
AND  
THE HON'BLE SRI JUSTICE K. SURESH REDDY

WRIT PETITION NO: 12269 OF 2021

**Between:**

Kagitapu Gopala Krishna, S/o. Nagaiah, Hindu, Aged 64 years, Cultivation, R/o. D.No. 3-5, Tadanki Village, Pamidimukkala Mandal, Krishna District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Department of Environment Forest Climate Change Velagapudi, Amaravathi, Guntur District.
2. The Andhra Pradesh Pollution Control Board, D.No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada, Krishna District.
3. The District Collector, Collectorate Campus, Machilipatnam, Krishna District.
4. The Joint Chief Environmental Engineer, A.P. Pollution Control Board, Zonal Office, 1<sup>st</sup> Floor, Shanker Shopping Complex, Krishna Nagar Main Gate, Kurnool - 518 002.
5. The Environmental Engineer, Andhra Pradesh Pollution Control Board, Regional Office, 11 D.No.22B-3-2, Kaanukolanivaari Street, Powerpet Railway Station Road, Eluru-534002, West Godavari District.
6. The District Panchayat Officer, Collectorate Campus, Machilipatnam, Krishna District.
7. The Tahsildar, Parnidimukkala Mandal, Krishna District.
8. The Tadanki Gram Panchayat, Rep. by its Panchayat Secretary, Pamidimukkala Mandal, Krishna District.
9. M/s Ratnam Modern Rice and Floor Mill, Rep by its Managing Partner/Lease Holder, Khabhampati Venkata Ramesh, S/o. Madhusudana Rao, Hindu aged 50 years, Business, Opp. High School, Tadanki Village, Pamidimukkala (M), Krishna District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action, things, deeds of Respondents in not taking any action against 9<sup>th</sup> Respondents for causing severe Air and Sound pollution by running the Sri Ratnam Modern Rice and Floor Mill which is illegal, irregular, unconstitutional, arbitrary against to the Principles of Natural Justices, contra to the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and in violation of Articles 14, 19, 21 and 300-A of Constitution of India, consequently direct the Respondents to take immediate action against 9<sup>th</sup> Respondent by stopping the Air and Sound Pollution from 9<sup>th</sup> Respondents Rice Mill.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to take immediate steps to prevent the Air and Sound Pollution from 9<sup>th</sup> Respondents Rice Mill pending disposal of main Writ Petition.

**Counsel for the Petitioner: SRI. NARASIMHA RAO GUDISEVA**

**Counsel for the Respondent No.1: GP FOR FORESTS**

**Counsel for the Respondent Nos.2, 4 & 5: GP FOR POLLUTION BOARD**

**Counsel for the Respondent Nos.3 & 7: GP FOR REVENUE**

**Counsel for the Respondent No.8: SRI I. KOTI REDDY, SC for GRAM PANCHAYAT**

**Counsel for the Respondent No.9: None Appeared**

**The Court made the following: ORDER**



Cepes

Talera

Sh

190 insnc. AEC  
pl. inspect  
and report

14  
16/7/21

HON'BLE SRI JUSTICE JOYMALYA BAGCHI

AND

HON'BLE SRI JUSTICE K.SURESH REDDY

WRIT PETITION No.12269 OF 2021

ORDER: (Per Hon'ble Sri Justice Joymalya Bagchi)

1. Petitioner has approached this Court alleging that non-official respondent is running a rice and flour mill in the locality, which is causing air and noise pollution; as a result the healthy living of the petitioner and other inhabitants of the village is adversely affected. Representations were made to the authorities but no steps have been taken.
2. Learned Government Pleader for Environment and Forests appears on behalf of respondent No.1 and learned Government Pleader for Revenue appears on behalf of the respondent No.7.
3. In view of the nature of grievance expressed, we are of the opinion that such issue requires to be looked into by respondent No.5 i.e., the Environmental Engineer, Andhra Pradesh Pollution Control Board, Eluru, who is required to assess whether running of the said mill is, in fact, creating air and noise pollution above permissible limits in the locality and causing injury to the health and peaceful living of the petitioner and others.
4. Hence, we dispose of the Writ Petition directing respondent No.5 to consider the representation of the petitioner at Page No.28 of the Writ Petition and upon due enquiry and opportunity of hearing to the petitioner and other affected persons including the non-official respondent No.9 to take appropriate decision in the matter within three (3) months from the date of communication of this order, in accordance with law. Needless to mention, in the event respondent No.5 comes to a conclusion running of

the mill is causing environmental pollution in the area, it shall pass appropriate orders to ensure abatement of pollution in the locality.

5. We make it clear that we have not gone into the merits of the matter, which is kept open to be decided by respondent No.5, independently and in accordance with law. With the above directions, the Writ Petition is disposed of. No order as to costs.

6. As a sequel, miscellaneous applications pending, if any, shall stand closed.

SD/-B.CHITTI JOSEPH  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Environment Forest Climate Change State of Andhra Pradesh, Velagapudi, Amaravathi, Guntur District.
2. The Andhra Pradesh Pollution Control Board, D.No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada, Krishna District.
3. The District Collector, Collectorate Campus, Machilipatnam, Krishna District.
4. The Joint Chief Environmental Engineer, A.P. Pollution Control Board, Zonal Office, 1<sup>st</sup> Floor, Shanker Shopping Complex, Krishna Nagar Main Gate, Kurnool - 518 002.
5. The Environmental Engineer, Andhra Pradesh Pollution Control Board, Regional Office, 11 D.No.22B-3-2, Kaanukolanivaari Street, Powerpet Railway Station Road, Eluru-534002, West Godavari District.
6. The District Panchayat Officer, Collectorate Campus, Machilipatnam, Krishna District.
7. The Tahsildar, Parnidimukkala Mandal, Krishna District.
8. The Panchayat Secretary, Tadanki Gram Panchayat, Pamidimukkala Mandal, Krishna District.
9. Managing Partner/Lease Holder, M/s Ratnam Modern Rice and Floor Mill, Khabhampati Venkata Ramesh, S/o. Madhusudana Rao, Hindu aged 50 years, Business, Opp. High School, Tadanki Village, Pamidimukkala (M), Krishna District.
10. One CC to SRI. NARASIMHA RAO GUDISEVA Advocate [OPUC]
11. Two CCs to GP FOR FORESTS, High Court of Andhra Pradesh. [OUT]
12. Two CCs to GP FOR POLLUTION BOARD, High Court of Andhra Pradesh. [OUT]
13. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
14. One CC to SRI. I. KOTI REDDY, SC FOR GRAM PANCHAYAT [OPUC]
15. Two CD Copies

Chp  
ssb





**ANDHRA PRADESH POLLUTION CONTROL BOARD  
REGIONAL OFFICE, VIJAYAWADA.**

Plot No.41, Sri Kanakadurga Officers' Colony, Gurunanak Road, Vijayawada – 520 008.

10

Ph.No: 0866-2543542.

Lr.No.APPCB/RO-VJA/2021- 363

Dt.29.07.2021

**SHOW CAUSE NOTICE**

Sub: APPCB-RO-VJA- Compliant made by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukala (M), Krishna District against M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District causing air & noise pollution vide W.P.No.12269 of 2021 of Hon'ble High Court, dated 29.06.2021 – **Show cause notice issued** – Reg.

Ref: 1. W.P.No.12269 of 2021 of Hon'ble High Court, dated 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukala (M), Krishna District.  
2. Inspection conducted by the officials of RO, Vijayawada on 24.07.2021.

\*\*\*

**Whereas**, you are operating the rice and floor mill in the name of M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District is involved in the production of Raw rice - 1 TPH and by-products Broken rice – 10 TPD and Husk – 1 TPD.

**Whereas**, vide ref 1<sup>st</sup> cited, a compliant was made by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukala (M), Krishna District against M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District causing air & noise pollution by filling W.P. in the Hon'ble High Court of AP.

**Whereas**, the officials of Regional Office, Vijayawada inspected the rice mill and surroundings on 24.07.2021 and contacted complainant Sri Gopala Krishna, Sri Ramesh Proprietor of the rice mill had accompanied during the inspection.

**The observations made during the inspection are as follows:**

- At the time of inspection, the rice mill is in operation.
- During the inspection, it was observed that the proponent of the rice mill Sri K. Ramesh is operating rice mill in the name of M/s. Vasavi Sri Lakshmi Durga Traders.
- It was observed that the Sri K.Ramakrishna taken rice mill on lease basis from owner of the rice mill Sri J. Nageswara rao, Resident of Thadanki (V), Pamidimukala (M), Krishna District from 18.08.2017 to 17.08.2027.
- The proponent of the rice mill Sri K. Ramesh entered into the agreement in the name of M/s. Vasavi Sri Lakshmi Durga Traders with AP Civil Suppliers Corporation Ltd., and furnished Bank Guarantee for an amount of Rs.30 Lakhs which is valid upto 06.12.2021.
- The rice mill is located at Southern side of the complainant house and also it is in the midst of the other residential houses.
- During the inspection, it was observed that the feeding of raw material i.e., paddy is openly done through escalator located in front of main gate of the unit.

- The proponent of the rice mill has not constructed closed husk room for storing/collection of husk, thereby causing dust pollution to the surrounding area.
- During the inspection, it was observed that loading & un-loading of rice & paddy bags are carried out openly thereby causing noise pollution and also causing odour nuisance due to improper stacking of paddy bags openly which are in wet condition.
- The rice mill is operating without valid consents of the Board.
- The house keeping is observed to be very poor.

In view of the above, you are hereby directed to **Show Cause** as to why action shall not be initiated against your industry under section 31(A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987 for the above non-compliances and also causing Air and noise pollution & odour nuisance to the surrounding environment. Your reply shall reach this office within 15 days from the date of receipt of this notice failing which action would be initiated for closure of your industry in the interest of Public health and Environment.

To

**Sri K. Ramesh (Propreitor),  
M/s. Sri Ratnam Modern Rice and Floor Mill,  
Thadanki (V), Pamidimukala (M),  
Krishna District.**

  
29/10/21  
**ENVIRONMENTAL ENGINEER**

K  
29/11/21

GOVERNMENT OF ANDHRA PRADESH  
 PANCHAYAT RAJ DEPARTMENT

12

966

17/08/21

From:

Smt A.D.Jyothi, M.A., B.Ed.,  
 District Panchayat Officer,  
 Krishna, Machilipatnam.



To:

The Environmental Engineer,  
 A.P. Pollution Control Board,  
 Regional Office, D.No.22B-3-2,  
 Kaanukolanivaari Street,  
 Power pet Railway Station Road,  
 Eluru - 534002  
 West Godavari District (RPAD)

Roc.No.381/2021, Pts.8, Dt.09.08.2021.

Sir,

Sub: Writ Petitions - WP No.12269 of 2021 filed by Kagitapu Gopala Krishna, S/o Nagaiah, R/o Tadanki Gram Panchayat - Pamidimukkala Mandal - Implementation of the orders of the Hon'ble High Court - Requested - Regarding.

Ref: 1) Orders dt.29-06-2021 of the Hon'ble High Court in WP No.12269 of 2021 filed by Kagitapu Gopala Krishna, S/o Nagaiah, R/o Tadanki Gram Panchayat, Pamidimukkala Mandal

//00//

I invite kind attention to the reference cited.

It is submitted that, one Kagitapu Gopala Krishna, S/o Nagaiah, R/o Tadanki Gram Panchayat of Pamidimukkala Mandal has filed a Writ Petition in WP No.12269 of 2021 on the file of Hon'ble High Court, aggrieved in not taking any action against 9<sup>th</sup> respondent i.e., M/s Ratnam Moder Rice and Flour mill for causing severe Air and sound pollution and the Hon'ble High Court while disposing the above WP has issued following order in its orders dt.29-06-2021.

ORDER:

*" Hence, we dispose of the Writ Petition directing respondent No.5 to consider the representation of the petitioner at Page No.28 of the Writ Petition and upon due enquiry and opportunity of hearing to the petitioner and other affected persons including the non-official respondent No.9 to take appropriate decision in the matter within three(3) months from the date of communication of this order, in accordance with law. Needless to mention, in the event respondent No.5 comes to a conclusion running of the mill is causing environmental pollution in the area, it shall pass appropriate orders to ensure abatement of pollution in the locality.*

*We make it clear that we have not gone into the merits of the matter, which is kept open to be decided by respondent No.5 independently and in accordance with law. Writ the above directions, the Writ Petition is disposed of. No orders as to costs. "*

Therefore, it is requested to take necessary action on the orders of the Hon'ble High and furnish the action taken report from time to time to this office so as to enable to apprise the cases status to the District Collector, Krishna form time to time to avoid further legal complications.

Encl: As submitted above.

Yours faithfully,

District Panchayat Officer,  
 Krishna, Machilipatnam.

Copy to the Panchayat Secretary, Tadanki Panchayat Secretray of Pamidimukkala Mandal for taking necessary action

Copy submitted to the Collector, Krishna for favour of kind information.

Jyothi M.A. B.Ed.  
 District Panchayat Officer  
 Krishna, Machilipatnam

EE PCB  
 Varsity  
 taken up  
 int. by  
 abo



**ANDHRA PRADESH POLLUTION CONTROL BOARD  
REGIONAL OFFICE, VIJAYAWADA.**

13

*Plot No.41, Sri Kanakadurga Officers' Colony, Gurunanak Nagar, Vijayawada – 520 008.*

**Ph.No: 0866-2543542**

**Lr.No.W.P.No.12269/APPCCB/RO-VJA/2021-784**

**Date.23.10.2021**

To

**The Joint Chief Environmental Engineer,  
A.P. Pollution Control Board,  
Zonal Office,  
Vijayawada.**

Sir,

**Sub:** APPCB-RO-VJA- **W.P.No.12269 of 2021** of the Hon'ble High Court, dated. 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukala (M), Krishna District against M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District regarding air & noise pollution – Status report submitted - Reg.

- Ref:**
1. W.P.No.12269 of 2021 of Hon'ble High Court, dated. 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukala (M), Krishna District (Copy enclosed).
  2. Inspection conducted by the officials of RO, Vijayawada on 24.07.2021.
  3. T.O. Show cause notice no. APPCCB/RO-VJA/2021-363, Date.29.07.2021 (Copy enclosed).
  4. Representation made by the rice mill on 13.08.2021 (Copy enclosed).
  5. Roc. No.381/2021, Pts.8, Dt.09.08.2021 received from the District Panchayat Officer, Machilipatnam, Krishna District and received to this office on 17.08.2021 (Copy enclosed).
  6. Inspection conducted by the officials of RO, Vijayawada on 22.09.2021.

\*\*\*

It is to submit that, M/s. Sri Ratnam Modern Rice and Floor Mill is located at Thadanki(V), Pamidimukala (M), Krishna District is involved in the production of Raw rice - 1 TPH and by-products i.e., Broken rice – 10 TPD and Husk – 1 TPD and is working for A.P. State Civil Supply Corporation for producing Custom Milling Rice (CMR).

This office received a W.P.No.12269 of 2021 of the Hon'ble High Court, dated. 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukala (M), Krishna District, which is forwarded by the Collectorate, Krishna District on 16.07.2021.

Further, the officials of Regional Office, Vijayawada inspected the rice mill and surroundings on 24.07.2021 and contacted complainant Sri Gopala Krishna and Sri Ramesh, Proprietor of the rice mill have accompanied during the inspection.

**The observations made during the inspection are as follows:**

- At the time of inspection, the rice mill is in operation.
- During the inspection, it was observed that the proponent of the rice mill Sri K. Ramesh is operating rice mill in the name of M/s. Vasavi Sri Lakshmi Durga Traders.
- It was observed that the Sri K.Ramakrishna taken rice mill on lease basis from owner of the rice mill Sri J. Nageswara rao, Resident of Thadanki (V), Pamidimukala (M), Krishna District from 18.08.2017 to 17.08.2027.
- The proponent of the rice mill Sri K. Ramesh entered into the agreement in the name of M/s. Vasavi Sri Lakshmi Durga Traders with AP Civil Suppliers Corporation Ltd., and furnished Bank Guarantee for an amount of Rs.30 Lakhs which is valid upto 06.12.2021.
- The rice mill is located at Southern side of the complainant house and also it is in the midst of the other residential houses.
- During the inspection, it was observed that the feeding of raw material i.e., paddy is openly done through escalator located in front of main gate of the unit.
- The proponent of the rice mill has not constructed closed husk room for storing / collection of husk, thereby causing dust pollution to the surrounding area.
- During the inspection, it was observed that loading & un-loading of rice & paddy bags are carried out openly thereby causing noise pollution and also causing odour nuisance due to improper stacking of paddy bags openly which are in wet condition.
- The rice mill is operating without valid consents of the Board.
- The house keeping is observed to be very poor.

This office issued a show cause notice to the rice mill on 29.07.2021 for the causing air & noise pollution and odour nuisance to the surrounding environment.

Subsequently, a Representation made by the proponent of the rice mill on 13.08.2021 stating that, he has taken rice mill on lease basis from Sri J. Nageswara Rao, actual owner of the rice mill have obtained DIC acknowledgement in the name of M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District.

Proponent of the rice mill stated that, they have taken dust control measures by erecting aluminum corrugated sheet wall, which was existing already and the same is being extended upto end of the compound wall and towards complainant house in Northern direction.

Vide reference 5<sup>th</sup> cited, the DPO, Krishna District has forwarded the orders dated.29.06.2021 of the Hon'ble High Court in W.P.No.12269 of 2021 stating that, M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District. As per the Hon'ble High Court Order. The Hon'ble High Court while disposing the above W.P.No.12269 of 2021 has issued following order.

*"Hence, we dispose of the Writ Petition directing respondent No.5 to consider the representation of the petitioner at Page No.28 of the Writ Petition and upon due enquiry and opportunity of hearing to the petitioner and other affected persons including the non-official respondent No.9 to take appropriate decision in the matter within three (3) months from the date of communication of this order, in accordance with law. Needless to mention, in the event respondent No.5 comes to a conclusion running of the mill is causing environmental pollution in the area, it shall pass appropriate orders to ensure abatement of pollution in the locality.*

*We make it clear that we have not gone into the merits of the matter, which is kept open to be decided by respondent No.5 independently and in accordance with law. Writ the above directions, the Writ Petition is disposed of. No orders as to costs".*

Further, it is to inform that, the DPO requested this office to take necessary action on the orders of the Hon'ble High Court and to furnish action taken report, so as to enable to appraise the legal case status to the District Collector, Krishna from time to time to avoid legal complications.

The officials of RO, Vijayawada have again inspected the rice mill on 22.09.2021. Sri Ramesh, Proprietor of the rice mill was accompanied. During the inspection, the following observations were made:

- At the time of inspection, the rice mill is in operation.
- During the inspection, it was observed that, the proponent of the rice mill constructed an aluminum corrugated sheet wall in Northern direction of the complainant house and the same is being extended upto end of the compound wall.

16

- The proponent of the rice mill has constructed closed husk room for storing / collection of husk.
- No greenbelt was developed in and around the rice mill.


In view of the above, it is requested that, the issue may be placed and reviewed before External Advisory Committee (EAC) meeting and action to be initiated.

This is submitted for favour of kind information.

Yours faithfully,

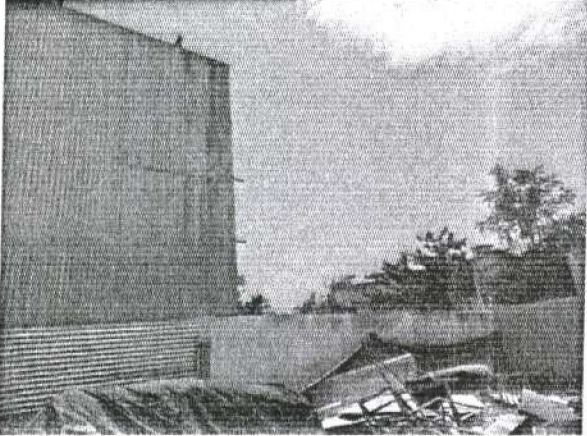
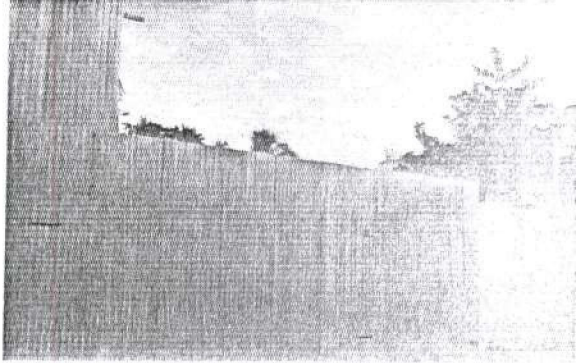

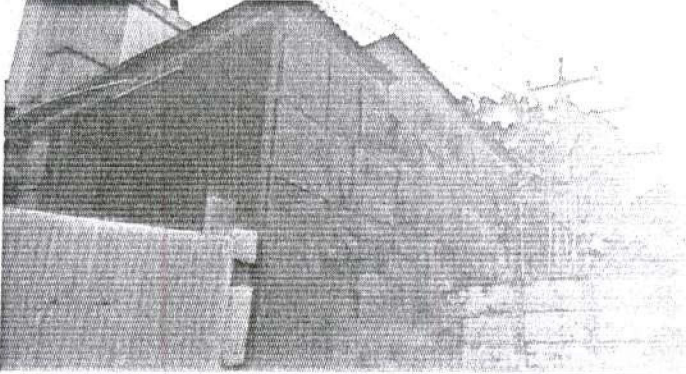
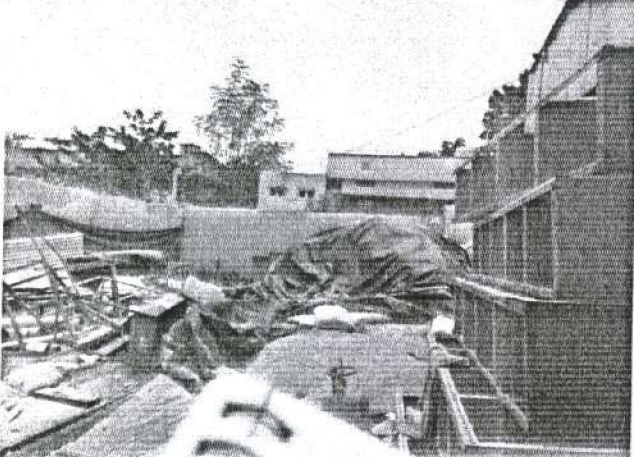
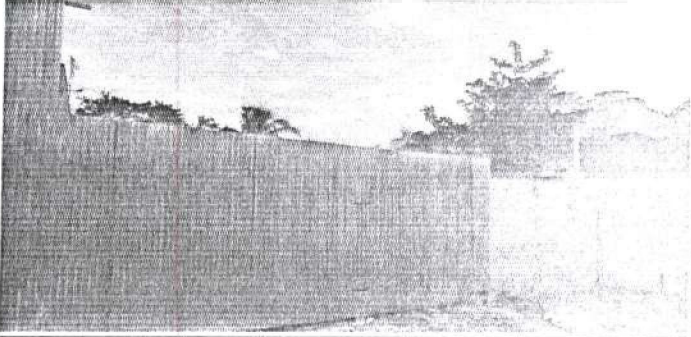
  
23/10/21

**ENVIRONMENTAL ENGINEER**

  
23/10/21

Encl: A/a.

Photographs of M/s. Sri Ratnam Modern Rice and Floor Mill, Krishna District.

| Before showcause notice issued  | After showcause notice issued  |
|---|--|
| <p>1. Screen wall in Northern direction of the complainant house.</p>  | <p>1. Extension of screen wall upto <math>\frac{3}{4}</math> of compound wall in Northern direction of the complainant house.</p>  |
| <p>2. Husk room</p>   | <p>2. Husk room.</p>    |
| <p>3. Housekeeping</p>   | <p>3. Housekeeping</p>   |



**ANDHRA PRADESH POLLUTION CONTROL BOARD**  
**ZONAL OFFICE :: VIJAYAWADA**

18

*Plot No.41, Opp: SBI, Sri Kanakadurga Officers' Colony, Gurunanak Road, Vijayawada.*

Phone:0866-2546218

Email:zovja-jcee@appcb.gov.in

Website :www.pcb.ap.gov.in

**Notice No. APPCB/ZO-VJA/EAC/2021**

**Dt.03.11.2021.**

**REVIEW / HEARING NOTICE**

**Sub:** APPCB-ZO-VJA – W.P. No. 12669 of 2021 of Hon'ble High Court dt. 29.06.2021 filed by Sri K. Gopala Krishna, D. No. 3-5, Thadanki (V), Pamidimukala (M), Krishna Dist. against **M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District** – Causing air and noise pollution in the surrounding – Review / Hearing before EAC committee of Zonal Office - Notice Issued – Reg.

**Ref:** 1. W.P. No. 12269 of 2021 of Hon'ble High Court dt. 29.06.2021 filed by Sri K.Goapala Krishna, D.No. 3-5, Thadanki (V), Pamidimukala (M), Krishna District.  
 2. Inspection of the industry by the Board Officials on 24.07.2021 & 22.09.2021.  
 3. SCN No. APPCB/ZO-VJA/2021-363, Dt.29.07.2021. Show Cause notice issued by RO, Vijayawada

\* \* \* \* \*

You are operating industry in the name of M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna with production capacity Raw Rice – 1 TPH and by products i.e. Broken Rice – 10 TPD and Husk – 1 TPD and working for A.P. State Civil Supply Corporation for producing Custom Milling Rice (CMR).

The Board Officials inspected your industry & its surroundings on 24.07.2021 & 22.09.2021 and observed air and noise pollution problems in the surroundings. The RO, Vijayawada issued show cause notice to your industry on 29.07.2021 on the non compliances observed during inspection.

In view of the above, you are hereby directed to appear before the External Advisory Committee on 05.11.2021 at 12.30 PM in person / through Video Conference with all necessary information, failing which Board will take appropriate action based on the available records.

Nambada  
 Venkata Bhaskara  
 Rao  
 Digitally signed by Nambada  
 Venkata Bhaskara Rao  
 Date: 2021.11.03 12:11:35  
 +05'30'

**JOINT CHIEF ENVIRONMENTAL ENGINEER**

**To**

**The Occupier,  
 M/s. Sri Ratnam Modern Rice and Floor Mill,  
 Thadanki (V), Pamidimukala (M),  
 Krishna District.**

**Copy to RO, Vijayawada with an instruction to serve the notice personally and ensure attendance.**

**ANDHRA PRADESH POLLUTION CONTROL BOARD****ZONAL OFFICE :: VIJAYAWADA**

Plot No.41, Opp: SBI, Sri Kanakadurga Officers' Colony, Gurunanak Road, Vijayawada.

Phone: 0866-2546218

Email: zovja-jcee@appcb.gov.in

Website : www.pcb.ap.gov.in

19

**DIRECTIONS****Order No. APPCB/ZO-VJA/EAC/2021****Date: 08.11.2021**

**Sub:-** APPCB – ZO – VJA – M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District - Air and noise problem – Hearing before EAC committee of Zonal Office on 05.11.2021 - Directions – Issued – Reg.

- Ref:-**
1. W.P.No.12269 of 2021 of Hon'ble High Court, dated. 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukala (M), Krishna District.
  2. Inspection conducted by the officials of RO, Vijayawada on 24.07.2021.
  3. Show cause notice no. APPCB/RO-VJA/2021-363, Date.29.07.2021 issued by RO, Vijayawada.
  4. Representation made by the rice mill on 13.08.2021.
  5. Roc. No.381/2021, Pts.8, Dt.09.08.2021 received from the District Panchayat Officer, Machilipatnam, Krishna District on 17.08.2021.
  6. Inspection conducted by the officials of RO, Vijayawada on 22.09.2021.
  7. RO, Vijayawada report dt. 23.10.2021.
  8. The EAC meeting held on 26.10.2021 at ZO, Vijayawada.

\*\*\*\*

**WHEREAS** you are operating industry in the name of M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District to produce Raw rice - 24 TPD and by-products i.e., Broken rice – 10 TPD and Husk – 1 TPD and is working for A.P. State Civil Supply Corporation for producing Custom Milling Rice (CMR) as reported.

**WHEREAS** vide reference 1<sup>st</sup> cited a W.P.No.12269 of 2021 of the Hon'ble High Court, dated. 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukala (M), Krishna District, through District Administration on 16.07.2021.

**WHEREAS** the Hon'ble High Court while disposing the W.P.No.12269 of 2021 has issued following order.

*“Hence, we dispose of the Writ Petition directing respondent No.5 (EE, RO, Vja) to consider the representation of the petitioner at Page No.28 of the Writ Petition and upon due enquiry and opportunity of hearing to the petitioner and other affected persons including the non-official respondent No.9 to take appropriate decision in the matter within three (3) months from the date of communication of this order, in accordance with law. Needless to mention, in the event respondent No.5 comes to a conclusion running of the mill is causing environmental pollution in the area, it shall pass appropriate orders to ensure abatement of pollution in the locality.*

*We make it clear that we have not gone into the merits of the matter, which is kept open to be decided by respondent No.5 independently and in accordance with law. Writ the above directions, the Writ Petition is disposed of. No orders as to costs”.*

**WHEREAS** vide reference 2<sup>nd</sup> cited, the Board Officials have inspected your industry and its surrounding on 24.07.2021 and observed the following:

- The rice mill is in operation, Sri K. Ramesh is operating rice mill in the name of M/s. Vasavi Sri Lakshmi Durga Traders duly entering into the lease agreement for a period of 10 years from 2017.
- The rice mill is located at Southern side of the complainant house and also it is in the midst of the other residential houses.
- The feeding of raw material i.e., paddy is openly done through escalator located in front of main gate of the unit.
- The proponent of the rice mill has not constructed closed husk room for storing / collection of husk, thereby causing dust pollution to the surrounding area.
- The loading & un-loading of rice & paddy bags are carried out openly thereby causing noise pollution and also causing odour nuisance due to improper stacking of paddy bags openly which are in wet condition.
- The rice mill is operating without valid consents of the Board.
- The house keeping is observed to be very poor..

**WHEREAS** vide reference 3<sup>rd</sup> cited, the Board issued show cause notice to the industry on the above non compliances observed vide Notice Dt.29.07.2021. The industry submitted a reply to the show cause notice issued.

**WHEREAS** the status of the industry was reviewed in the EAC meeting held on 05.11.2021 .The EE and AEE, RO, Vijayawada attended the EA Committee meeting and informed that this is an old rice mill and operation since 1978. The complainant house is abutting the rice mill. Earlier the rice mill was operated with low capacity and now they have enhanced the capacity of the rice mill thereby arising pollution problems.

**WHEREAS** Sri K.Gopala Krishna petitioner attended the EA Committee meeting and informed that hitherto the rice mill is being operated only with 20 to 30 bags of paddy on job work basis for local farmers and now they have enhanced its capacity to 1100 bags per day duly making modifications by erecting elevator resulting in the movement of lorries and tractors thereby air and noise pollution increased tremendously which is causing severe health problems to the family members. The rice mill is in operations even in the night times also due to which they are suffering with air and noise pollution also requested operate the unit without any pollution and also requested not to operate night times.

**WHEREAS** Sri K.V.Ramesh, lease holder of the rice mill attended the hearing and informed the Committee that at present they are processing 15 TPD of paddy. They have taken pollution measures for control of air pollution duly providing cladding system towards the complainant house and also provided closed husk room to avoid dust nuisance to the complainant. The lease holder offered to take additional pollution control measures so that no pollution is caused to neighbours and ready to stop its operation night time.

After careful consideration of all material facts of the case, under the Powers vested with the A.P. Pollution Control Board under Section 33 (A) of the Water (Prevention & Control of Pollution) Amendment Act, 1988 and under Section 31 (A) of the Air (Prevention & Control of Pollution) Amendment Act, 1987, the EAC recommended to issue certain directions to the industry to ensure compliance and also recommended to impose a Bank Guarantee of Rs. 1 lakh towards compliance of directions issued. The Board hereby issues the following directions to the industry to be complied with, in the interest of protecting public health & environment:

- a. The industry shall restrict the production capacity to 7.5 TPD only.
- b. The industry shall take all pollution control measures including noise control measures to avoid pollution nuisance to the surroundings including closed sheds, noise barriers covering the entire area towards complainant residence on or before 15.12.2021.
- c. The truck movement shall be allowed only from 9.00 AM to 6.00 PM only.

- d. The industry shall not operate the mill during night time and to restrict the operation including truck movement from 9.00 AM to 6.00 PM only.
- e. The industry shall obtain Consent for Operation of the Board for operation of the Rice mill.
- f. The industry shall submit a Bank Guarantee for Rs.1.0 Lakh towards ensuring compliance of the directions issued by the Board on or before 15.11.2021.

You are directed to note that if you fail to comply with the above directions, legal action will be initiated against your industry which may include closure orders under Section 33 (A) of the Water (Prevention & Control of Pollution) Amendment Act, 1988 and under Section 31 (A) of the Air (Prevention & Control of Pollution) Amendment Act, 1987 besides action under Section 44 of the Water (Prevention & Control of Pollution) Amendment Act, 1988 and under Section 37 of the Air (Prevention & Control of Pollution) Amendment Act, 1987 without any further notice, in the interest of Public Health and Environment Protection.

**The orders will take effect from today i.e. 08.11.2021.**

Nambada  
Venkata Bhaskara  
Rao  
JOINT CHIEF ENVIRONMENTAL ENGINEER

Digitally signed by Nambada  
Venkata Bhaskara Rao  
Date: 2021.11.08 17:08:47  
+05'30'

To  
The Occupier,  
M/s. Sri Ratnam Modern Rice and Floor Mill,  
Thadanki (V), Pamidimukala (M),  
Krishna District.  
Email: rameshkambhampati9494@gmail.com

Copy to EE, APPCB, RO, Vijayawada for information and is requested to monitor the industry and submit a compliance report on the directions issued by the Board within two months for taking necessary action.

Copy to Sri K. Gopala Krishna, petitioner, D.No.3-5, Thadanki (V), Pamidimukala (M), Krishna District for information.

**ANDHRA PRADESH POLLUTION CONTROL BOARD  
REGIONAL OFFICE, VIJAYAWADA.**

Plot No.41, Opp: SBI, Sri Kanakadurga Officers' Colony, Gurunanak Nagar,  
Vijayawada - 520 008.

22

Ph.No: 0866-2543542

Lr.No.W.P.No.12269/APPCB/RO-VJA/2022-366Date.08.07.2022

To

The Joint Chief Environmental Engineer,  
A.P. Pollution Control Board,  
Zonal Office,  
Vijayawada.

Sir,

Sub: APPCB-RO-VJA- W.P.No.7737 of 2022 & W.P.No.29160 of 2021 of the Hon'ble High Court, dated. 29.06.2022 filed by Sri K. Venkata Ramesh, Proprietor of M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District - Latest Status Report submitted - Reg.

- Ref:
1. W.P.No.12269 of 2021 of Hon'ble High Court, dated. 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukkala (M), Krishna District.
  2. Show cause notice no. APPCB/RO-VJA/2021-363, Date.29.07.2021 issued by RO, Vijayawada.
  3. Representation made by the rice mill on 13.08.2021.
  4. Roc. No.381/2021, Pts.8, Dt.09.08.2021 received from the District Panchayat Officer, Machilipatnam, Krishna District on 17.08.2021.
  5. Inspection conducted by the officials of RO, Vijayawada on 22.09.2021.
  6. Board Directions issued vide order no.APPCB/ZO-VJA/EAC/2021- dt: 08.11.2021.
  7. Legal Cell Mail dt: 14.12.2021 on W.P. No.29160 of 2021 filed by Sri Khambampati Venkata Ramesh, Proprietor of M/s. SreeRatnam Modern Rice & Floor Mill, Tadanki (V), Pamidimukkala (M), Krishna District.
  8. Z.O. Lr.No: APPCB/ZO-VJA/EAC/2021-642, Dt.15.12.2021, report submitted to the Board office, Vijayawada.
  9. Legal Cell e.mail dated.21.03.2022 on W.P. No.... of 2022 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukkala (M), Krishna District.
  10. Inspection conducted by the officials of RO, Vijayawada on 25.03.2022.
  11. Lr.No.W.P.NO.12269/APPCB/RO-VJA/2021-1392, Dt.28.03.2022 report submitted to JCEE, ZO, VJA.
  12. Email received from ZO, Vijayawada on 06.07.2022.
  13. Inspection conducted by the officials of RO, Vijayawada on 07.07.2022.

\*\*\*

It is to submit that, M/s. Sri Ratnam Modern Rice and Floor Mill is located at Thadanki(V), Pamidimukkala (M), Krishna District is involved in the production of Raw rice and is working for A.P. State Civil Supply Corporation for producing Custom Milling Rice (CMR).

This office received a copy of W.P.No.12269 of 2021 of the Hon'ble High Court, dated. 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukkala (M), Krishna District through District Administration on 16.07.2021 regarding Air & Noise pollution problems caused due to operation of said rice mill of Sri K.. Venkata Ramesh, the proprietor.

Further, the officials of Regional Office, Vijayawada inspected the rice mill and surroundings on 24.07.2021 and contacted complainant Sri Gopala Krishna & Sri K.Venkata Ramesh, lease holder of the rice mill who accompanied during the inspection and issued a show cause notice to the rice mill on 29.07.2021 for causing air & noise pollution and odour nuisance to the surrounding environment.

In reply to the show cause notice a representation is made by Sri K.V.Ramesh of the rice mill on 13.08.2021 stating that, he has taken rice mill on lease basis from Sri J. Nageswara Rao, actual owner of the rice mill have obtained DIC acknowledgement in the name of M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District. However, the DIC's acknowledgement was not furnished with the reply letter as stated.

Lease holder of the rice mill stated that, they have taken dust control measures by erecting aluminum corrugated sheet wall, which was existing already and the same is being extended upto end of the compound wall and towards complainant house in Northern direction.

Further, vide reference 5<sup>th</sup> cited, the DPO, Krishna District has forwarded the orders dated.29.06.2021 of the Hon'ble High Court in W.P.No.12269 of 2021 disposing the case stating as follows:

***"Hence, we dispose of the Writ Petition directing respondent No.5 to consider the representation of the petitioner at Page No.28 of the Writ Petition and upon due enquiry and opportunity of hearing to the petitioner and other affected persons including the non-official respondent No.9 to take appropriate decision in the matter within three (3) months from the date of communication of this order, in accordance with law. Needless to mention, in the event respondent No.5 comes to a conclusion running of the mill is causing environmental pollution in the area, it shall pass appropriate orders to ensure abatement of pollution in the locality.***

***We make it clear that we have not gone into the merits of the matter, which is kept open to be decided by respondent No.5 independently and in accordance with law. Writ the above directions, the Writ Petition is disposed of. No orders as to costs".***

Further, the District Panchayath Officer , Krishna District requested RO, Vijayawada to take necessary action on the above said orders of the Hon'ble High Court and to furnish action taken report, so as to enable to appraise the legal case status to the District Collector, Krishna from time to time to avoid legal complications.

Further, the officials of RO, Vijayawada had inspected the rice mill on 22.09.2021 and found certain non-compliances and requested the ZO, Vijayawada duly furnishing a report on 23.10.2021 with a request to issue may be placed and reviewed before External Advisory Committee (EAC) meeting and action to be initiated.

The JCEE, ZO, Vijayawada had issued the following directions to the rice mill on 08.11.2021, to be complied within the interest of protecting Public Health and Environment.

Sri K. Venkata Ramesh lease holder of the rice mill filed a case before the Hon'ble High Court in W.P. No:29160 of 2021 keeping the JCEE,ZO, Vijayawada as (R3). The JCEE filed counter in the Hon'ble High Court in this case, however, no orders were received from the Hon'ble High Court.

It is to inform that Legal Cell e.mail dated.21.03.2022 on W.P. No.... of 2022 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukkala (M), Krishna District and requested the JCEE, ZO, Vijayawada to furnish the detailed report and chronological events and parawise remarks. Simultaneously, the JCEE, ZO, Vijayawada vide e.mail dated.22.03.2022 requested to furnish the detailed draft report with chronology events and parawise remarks, so as to submit the final report.

The officials of RO, Vijayawada inspected the rice mill and surroundings on 25.03.2022 and contacted petitioner of Sri K. Gopala Krishna. This office submitted report to the ZO, Vijayawada on 28.03.2022 duly incorporating the compliance status of directions issued by the Zonal Office, Vijayawada.

Further, this office received e-mail from ZO, Vijayawada on 06.07.2022, requested to furnish follow up action on Hon'ble High Court order dated 20.06.2022 in the matter of W.P.No. 7737/2022 & 29160/2021 filed by Sri K. Venkata Ramesh, Proprietor of M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District with latest status report.

In this regard officials of Regional Office, Vijayawada inspected the rice mill and its surroundings on 07.07.2022 and observed the following :

- 1) At the time of inspection, the rice mill is not in operation.
- 2) On local enquiry it was informed that the rice mill was not in operation since 2 months.
- 3) During the inspection, officials of this office have contacted the complainant Sri K. Gopala Krishna and he informed that the rice mill is operating but no supporting evidences have been submitted by him.
- 4) The officials of Regional Office, Vijayawada contacted Sri K. Venkata Ramesh, Proprietor of M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District and he informed that the rice mill was not in operation since 2 months due to lack of paddy.

The compliance status of EAC directions issued by the ZO, Vijayawada on 08.11.2021 is furnished as below:

| Sl. No | Directions   | Compliance   |
|--------|--|--|
| a.     | The industry shall restrict the production capacity to 7.5 TPD.  | At the time of inspection, the rice mill is not in operation.  |
| b.     | The industry shall take all pollution control measures including noise including closed sheds, noise barriers covering the entire area towards complainant residence on or before 15.12.202. | Not complied.<br>At the time of inspection, it was observed that the rice mill has not adopted air pollution control measures including noise control measures to the surroundings including closed shed, noise barriers covering the entire area towards the complainant residence. |

| Sl. No | Directions  | Compliance   |
|--------|---|--|
| c.     | The truck movement shall be allowed only from 9.00 A.M. to 6.00 P.M. only.  | At the time of inspection, the rice mill is not in operation and hence no vehicular movement was observed at the site. |
| d.     | The industry shall not operate the mill during night time and to restrict the operation including truck movement from 9.00 A.M. to 6.00 P.M. only.    |  |
| e.     | The industry shall obtain Consent for Operation of the Board for operation of Rice mill.  | Not complied.<br><br>The rice mill has not applied for consents of the Board for increased capacity.                   |
| f.     | The industry shall submit a Bank Guarantee for Rs.1.0 Lakh towards ensuring compliance of the directions issued by the Board on or before 15.11.2021. | Not complied.<br><br>The rice mill has not yet submitted a Bank Guarantee for an amount of Rs.1.0 Lakh.                |

This is submitted for favour of kind information.

Yours faithfully,

  
**ENVIRONMENTAL ENGINEER**  
 8/7/22 08/07/2022

O/c



**ANDHRA PRADESH POLLUTION CONTROL BOARD  
ZONAL OFFICE :: VIJAYAWADA**

Plot No.41, Opp: SBI, Sri Kanakadurga Officers' Colony, Gurunanak Road, Vijayawada.

Phone: 0866-2546218

Email: zovja-icee@appcb.gov.in

Website : www.pcb.ap.gov.in

26

Order No.APPCB/ZO-VJA/EAC/2022

Dt. 15.07.2022

**CLOSURE ORDER**

**Sub: APPCB-ZO-VJA – EAC – M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District – Complaints on Air & Noise pollution problems caused due to operation of rice mill, Non-compliance of Board directions – External Advisory Committee (EAC) Review meeting held on 14.07.2022 – Closure Order - issued - Reg.**

- Ref:**
1. W.P.No.12269 of 2021 of Hon'ble High Court, dated. 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukkala (M), Krishna District.
  2. Inspection conducted by the officials of RO, Vijayawada on 24.07.2021.
  3. Show cause notice no. APPCB/RO-VJA/2021-363, Date.29.07.2021 issued by RO, Vijayawada.
  4. Representation made by the rice mill on 13.08.2021.
  5. Roc. No.381/2021, Pts.8, Dt.09.08.2021 received from the District Panchayat Officer, Machilipatnam, Krishna District on 17.08.2021.
  6. Inspection conducted by the officials of RO, Vijayawada on 22.09.2021.
  7. RO, Vijayawada report dt. 23.10.2021.
  8. ZO, Vijayawada Notice No. APPCB/ZO-VJA/2021, dt.03.11.2021
  9. Board Directions issued vide order no.APPCB/ZO-VJA/EAC/2021- dt: 08.11.2021
  10. W.P. No.29160 of 2021 filed by Sri KhambampatiVenkata Ramesh, Proprietor of M/s. SreeRatnam Modern Rice & Floor Mill, Tadanki (V), Pamidimukkala (M), Krishna District received through Legal Cell Mail dt: 14.12.2021.
  11. W.P.No. 7737 of 2022 filed by Sri Kagitapu Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukkala (M), Krishna District against M/s. Sree Ratnam Modern Rice& Floor Mill received through Legal Cell Mail dt: 21.03.2022.
  12. RO, Vijayawada inspection report dt. 28.03.2022.
  13. Hon'ble High Court of AP combined order in W.P. No. 7737 of 2022 and W.P. No. 29160 of 2021 issued on 20.06.2022.
  14. RO, Vijayawada inspection report dt. 08.07.2022.
  15. EAC meeting held on 14.07.2022.

\*\*\*

**WHEREAS** you are operating industry in the name of M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District to produce Raw rice - 24 TPD and by-products i.e., Broken rice – 10 TPD and Husk – 1 TPD and is working for A.P. State Civil Supply Corporation for producing Custom Milling Rice (CMR) as reported.

**WHEREAS** vide reference 1<sup>st</sup> cited a W.P.No.12269 of 2021 of the Hon'ble High Court, dated. 29.06.2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukkala (M), Krishna District, through District Administration on 16.07.2021.

**WHEREAS** the Hon'ble High Court while disposing the W.P.No.12269 of 2021 has issued following order dt. 29.06.2021.

*"Hence, we dispose of the Writ Petition directing respondent No.5 (EE, RO, Vja) to consider the representation of the petitioner at Page No.28 of the Writ Petition and upon due enquiry and opportunity of hearing to the petitioner and other affected persons including the non-official respondent No.9 to take appropriate decision in the matter within three (3) months from the date of communication of this order, in accordance with law. Needless to mention, in the event respondent No.5 comes to a conclusion running of the mill is causing environmental pollution in the area, it shall pass appropriate orders to ensure abatement of pollution in the locality.*

*We make it clear that we have not gone into the merits of the matter, which is kept open to be decided by respondent No.5 independently and in accordance with law. Writ the above directions, the Writ Petition is disposed of. No orders as to costs”.*

WHEREAS vide reference 2<sup>nd</sup> cited, the Board Officials have inspected your industry and its surrounding on 24.07.2021 and observed the following:

- The rice mill is in operation, Sri K. Ramesh is operating rice mill in the name of M/s. Vasavi Sri Lakshmi Durga Traders duly entering into the lease agreement for a period of 10 years from 2017.
- The rice mill is located at Southern side of the complainant house and also it is in the midst of the other residential houses.
- The feeding of raw material i.e., paddy is openly done through escalator located in front of main gate of the unit.
- The proponent of the rice mill has not constructed closed husk room for storing / collection of husk, thereby causing dust pollution to the surrounding area.
- The loading & un-loading of rice & paddy bags are carried out openly thereby causing noise pollution and also causing odour nuisance due to improper stacking of paddy bags openly which are in wet condition.
- The rice mill is operating without valid consents of the Board.
- The house keeping is observed to be very poor.

WHEREAS vide reference 3<sup>rd</sup> cited, the Board issued show cause notice to the industry on the above non compliances observed vide Notice Dt.29.07.2021. The industry submitted a reply to the show cause notice issued.

WHEREAS the status of the industry was reviewed in the EAC meeting held on 05.11.2021 after giving opportunity to both complainant and rice mill operator to present their cases. The inspecting officer of APCCB were also present during the review.

WHEREAS after detailed discussion, as per the recommendations of the Committee the following directions were issued vide order dt. 08.11.2021:

- a. The industry shall restrict the production capacity to 7.5 TPD only.
- b. The industry shall take all pollution control measures including noise control measures to avoid pollution nuisance to the surroundings including closed sheds, noise barriers covering the entire area towards complainant residence on or before 15.12.2021.
- c. The truck movement shall be allowed only from 9.00 AM to 6.00 PM only.
- d. The industry shall not operate the mill during night time and to restrict the operation including truck movement from 9.00 AM to 6.00 PM only.
- e. The industry shall obtain Consent for Operation of the Board for operation of the Rice mill.
- f. The industry shall submit a Bank Guarantee for Rs.1.0 Lakh towards ensuring compliance of the directions issued by the Board on or before 15.11.2021.

WHEREAS Sri K. Venkata Ramesh lease holder of the rice mill subsequently, filed a case before the Hon'ble High Court in W.P. No:29160 of 2021 against the directions issued by the Board vide order dt. 08.11.2021.

WHEREAS the complainant, Sri K.G.Krishna also filed a WP No. 7737 of 2022, with a pray to implement the directions issued in Board order dt. 08.11.2022 and to implement order of the Hon'ble High Court issued in WP No. 12269 of 2021.

WHEREAS the Hon'ble High Court while disposing WP No. 7737 of 2022 and WP No.29160 of 2021 made the following combined order:

*“Sri T.Lakshmi Narayana, learned counsel for the petitioner, seeks time to file counter.*

*In the absence of any stay, pendency of these writ petitions do not preclude the authorities in proceeding further in accordance with law.”*

WHEREAS the status of the rice mill was inspected afresh by officials of Regional Office, Vijayawada on 07.07.2022 and submitted a report dt. 08.07.2022 on the compliance status of the directions issued vide reference 9<sup>th</sup> cited.

The report of RO, Vijayawada was placed before the EAC meeting held at Zonal Office, Vijayawada on 14.07.2022 and the Committee observed that the rice mill has not complied with the directions issued by the Board vide order dt. 08.11.2021 viz. a) the industry has failed to take pollution control measures even after lapse of seven months and hence posing pollution threat to petitioners house and surroundings, b) the industry has not obtained Consent for Operation (CFO) of the Board for operation of rice mill, c) the industry has not submitted bank guarantee for Rs. 1 lakh towards ensuring compliance of the Board directions.

WHEREAS the EAC Committee after reviewing the material facts of the matter and having detailed discussions, recommended to issue **Closure Order** to the industry for the above said non compliances of the Board directions even after taking ample of time and opportunity for rectifying the lapses.

After careful consideration of all material facts of the case and for the reasons stated above, in view of the External Advisory Committee (Task Force) recommendation, under the Powers vested with the A.P. Pollution Control Board under Section 33 (A) of the Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Section 31 (A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987, the Board, hereby issues **Closure Order** to your industry for causing air and noise pollution problems in the surrounding area in the interest of public health and environment.

You are directed to take note that if you still continue to operate your industry even after receipt of this order, you are liable for prosecution under section 41 (2) of Water (Prevention and Control of Pollution) Act, 1974 & its subsequent amendments and under section 37 (1) of Air (Prevention and Control of Pollution) Act, 1981 & its subsequent amendments apart from environmental compensation to be levied as per the norms of CPCB. You are further directed to take note that the APCPDCL has been ordered to disconnect the power supply to your industry with immediate effect.

Should you resort to operate your industry by means of generator or any other mechanical device, you will be attracting prosecution under section 41(2) of Water (Prevention and Control of Pollution) Act, 1974 & its amendments and under section 37 (1) of Air (Prevention and Control of Pollution) Act, 1981.

If the industry is aggrieved by this order made by A.P. Pollution Control Board under Section 33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 and under Section 31 (A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987, you may prefer an appeal before the Appellate Authority within 30 days from the date of receipt of this order.

***This Order comes into effect from today i.e., 15.07.2022.***

**N V BHASKARA**  
**RAO**  
 JOINT CHIEF ENVIRONMENTAL ENGINEER

Digitally signed by N V  
 BHASKARA RAO  
 Date: 2022.07.15  
 16:52:18 +05'30'

To  
 The Occupier,  
 M/s. Sri Ratnam Modern Rice and Floor Mill,  
 Thadanki (V), Pamidimukala (M),  
 Krishna District

Copy to Joint Chief Environmental Engineer (UH-II), A.P. Pollution Control Board, Vijayawada for information and necessary action.

Copy to Environmental Engineer, A.P. Pollution Control Board, Regional Office, Vijayawada for information and necessary action. He is directed to submit the compliance of the Closure Orders within 48 hours to Zonal Office, Vijayawada without fail.

J. V. Ramesh  
 పంచాయతీ కార్యదర్శి 16-7-22.  
 గ్రామపంచాయతీ, తాడంకి  
 పమిడిముక్కల మం||, కృష్ణాజిల్లా.



29  
**ANDHRA PRADESH POLLUTION CONTROL BOARD**  
**ZONAL OFFICE :: VIJAYAWADA**

Plot No.41, Opp: SBI, Sri Kanakadurga Officers' Colony, Gurunanak Road, Vijayawada.

Phone: 0866-2546218

Email: zovja-icee@appcb.gov.in

Website : www.pcb.ap.gov.in

**Order No. APPCB/ZO-VJA/EAC/2022**

**Date: 15.07.2022.**

**Sub: APPCB-ZO-VJA - M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District – Complaints on Air & Noise pollution problems caused due to operation of rice mill. Non-compliance of Board directions – Closure Order - issued – Disconnection of power supply – Orders – Reg.**

**Ref: Closure Order No.APPCB/ZO-VJA/EAC/2022, Dt: 15.07.2022.**

\*\*\*

In exercise of the powers vested under Section 33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 & Section 31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987, Board has issued closure orders to **M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District** in view of the Air & Noise pollution problems caused due to operation of rice mill and for, Non-compliance of Board directions.

In view of the closure order issued to **M/s. Sri Ratnam Modern Rice and Floor Mill** and in exercise of the power vested with A.P. Pollution Control Board, under Section 33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 & Section 31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987, the Central Power Distribution Company of A.P. Ltd., is requested to disconnect the power supply to **M/s.Sri Ratnam Modern Rice and Floor Mill** with immediate effect.

This order is issued under Section 33 (A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 & Section 31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987.

**This Order comes into effect from today i.e., 15.07.2022.**

**N V BHASKARA  
RAO**

**JOINT CHIEF ENVIRONMENTAL ENGINEER**

Digitally signed by N V

BHASKARA RAO

Date: 2022.07.15 16:51:36

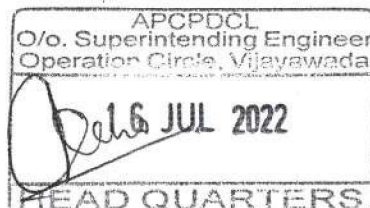
+05'30'

To  
The Superintending Engineer (Operations),  
APCPDCL,  
Krishna,  
Krishna District.

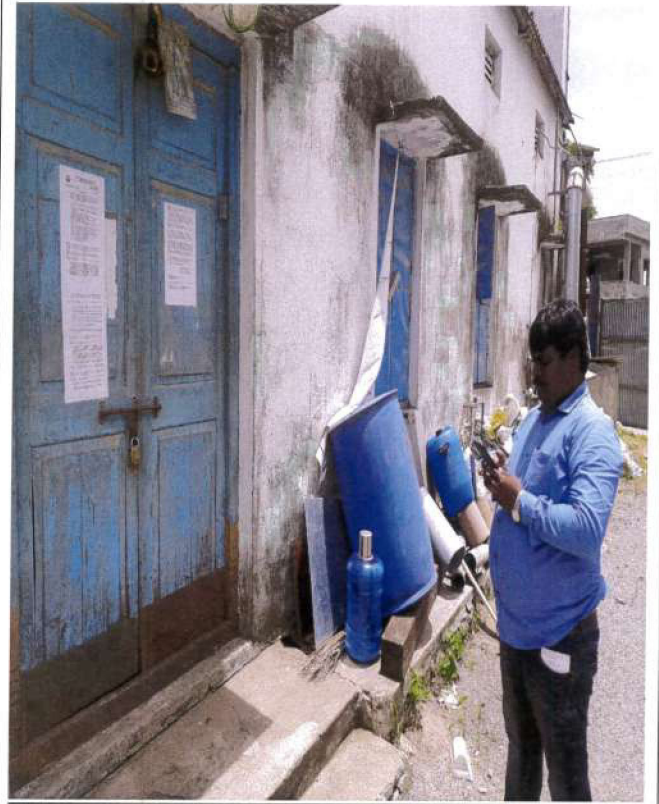
Copy submitted to the Managing Director, Central Power Distribution Company of A.P. Limited, Vijayawada for information and necessary action.

Copy to Joint Chief Environmental Engineer (UH-II), A.P. Pollution Control Board, Vijayawada for information and necessary action.

Copy to Environmental Engineer, A.P. Pollution Control Board, Regional Office, Vijayawada for information and necessary action. He is directed to submit the compliance of the Closure Orders within 48 hours to Zonal Office, Vijayawada without fail.



**Photographs of pasting of Closure order on the doors of M/s. Sri Ratnam Modern Rice and Floor Mill, Krishna District.**



BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

**I.A. No. 49 of 2023(SZ)**  
**In**  
**Appeal No. 08 of 2023 (SZ)**  
(Through Video Conference)

IN THE MATTER OF

**Khambampati Venkata Ramesh,**

S/o K. Madhusudhna Rao,  
Proprietor of Ratanam Modern,  
Rice Mill & Floor Mill, Opp: High,  
Tadanki Village, Pamidimukkala (M),  
Krishna District, Andhra Pradesh.

...Appellant(s)

**Versus**

**1. The Joint Chief Environmental Engineer,**

The A.P. Pollution Control Board,  
Zonal Office, Plot No. 41, Opp: SBI,  
Sri Kanaka Durga, Officer's Colony,  
Gurunank Road, Vijayawada- A.P.

**2. Kagitapu Gopal Krishna,**

S/o. Nagaiah, Hindu,  
Aged about 65 years, Cultivation,  
R/O D. No. 35 Tandanki Village,  
Ramidimukkala Mandal,  
Krishna District, Andhra Pradesh.

...Respondent(s)

For Applicant(s):

Ms. K. Sarada Devi.

For Respondent(s):

NA.

**Judgment Reserved on: 1<sup>st</sup> May, 2023.**

**Judgment Pronounced on: 25<sup>th</sup> May, 2023.**

**CORAM:**

**HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

**JUDGMENT**

***Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member***

1. Challenging the order of the Andhra Pradesh Pollution Control Board dated 15.07.2022 under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31(A)

of the Air (Prevention and Control of Pollution) Act, 1981 by issuing a closure order and for disconnection of power supply, the above appeal has been preferred.

2. **I.A. No. 49 of 2023** is filed by the applicant herein to condone the delay of 151 days in filing an appeal against the order dated 15.07.2022 issued by the Andhra Pradesh Pollution Control Board. In the affidavit filed in support of the application, it is stated that the appellant had not received the impugned order till 20.12.2022 but however he found the impugned order lying inside his factory, which one of the workers in the rice mill, who is residing in the premises had taken the same and handed over to the appellant on 20.12.2022. The applicant stated that he gained knowledge only when the order which was lying inside his factory premises was brought to him by his worker i.e. on 20.12.2022 and claims to have filed the appeal within time.

3. The Learned Counsel who appeared for the applicant would contend that the order should have been communicated to them by registered post so that they would have had the knowledge and would have preferred the appeal within the 30 days time given. It is not denied that the order was communicated to the address of the applicant and having seen the same at a later date is only a mistake of the applicant and cannot be allowed to state that the order was not communicated to the applicant.

4. Section 16 provides for an appeal which can be filed within 30 days from the date on which the order or decision or direction or determination is communicated to him. The proviso empowers the

Tribunal to allow such appeals to be filed within a further period not exceeding 60 days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period.

5. As stated supra this Tribunal has got powers only to condone a delay up to 60 days in addition to the original 30 days provided for filling an appeal. In this case, it is admitted that the order impugned was passed only after the inspection of the rice mill by the respondent. The Andhra Pradesh Pollution Control Board caused an inspection pursuant to the order passed in the W.P. No. 7737 of 2021 by the Hon'ble High Court of Andhra Pradesh to assess whether the running of the said mill is creating air and noise pollution above the permissible limits in the locality and causing injury to the healthy and peaceful living of the applicant and others.
6. In the Appeal, it is also categorically stated that the Environmental Engineer, Andhra Pradesh Pollution Control Board, Eluru had issued a show cause notice date 29.07.2021. Therefore, the applicant was aware of the proceedings as a reply was sent on 13.08.2021 to the show-cause notice. The appellant also seems to have received a notice from the 1<sup>st</sup> respondent to appear before the External Advisory Committee on 05.11.2021 with all necessary information. The Pollution Control Board has sent the certified copy of the order free of costs to the address of the appellant which would amount to communication. The order challenged in the Appeal dated 15.07.2022 is a composite order issued under the Water (Prevention and Control of Pollution) Act, 1974 and the Air

(Prevention and Control of Pollution) Act, 1981. Under the Water (Prevention and Control of Pollution) Act, 1974, an appeal is provided before the Appellate Authority under Section 28 after which the same can be challenged before this Tribunal under Section 33(B). Any direction issued under Section 33(A) by the Board, the same is appealable before this Tribunal. However, there is no appeal provision for the orders passed under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981. Having decided to prefer an appeal before this Tribunal, the appellant should have followed the time frame given under the statute.

7. The order impugned having been communicated to the right address furnished by the appellant the mistake of not seeing the same on time cannot be taken advantage of by the appellant. By virtue of the proviso to the Section 16 the Tribunal is empowered to condone the delay only up to a period of 60 days. The appeal is filed only on 15.04.2023. So, the appeal ought to have been filed within 30 days plus another 60 days. There was no sufficient cause established for not preferring the appeal within time by the appellant. The power to condone the delay of another 60 days is given to the Tribunal only to benefit the vigilant litigants who were otherwise prevented from filing the appeal on time.
8. It is needless to point out that the law of limitation finds its root that the law will assist only those who are vigilant about their rights and not those who sleep over them. The appellant having slept over the matter and blaming the authorities for not having communicated the order by registered post cannot be the reason.

9. This issue is no longer *res-integra* and it is already been decided by this Tribunal in **Sunil Kumar Samantra vs West Bengal PCB Ors , M.A. No. 573 of 2013 in Appeal No. 67 of 2013**. The said principle is applied by this Tribunal in several other cases also which reads as follows:

15. We have already noticed that NGT Act is a self-contained code in itself. It provides the forum/procedure that has to be adopted, the limitation period within which the jurisdiction of the tribunal gets invoked, and the power and functions of the tribunal in explicit terms. As a self-contained code, it does not admit of any ambiguity with regard to application of other laws in the adjudicatory process of the tribunal. The legislature in its wisdom has worded provisions of Section 16 of the NGT Act so as to prohibit even filing of an appeal beyond a total period of 90 days. The language of these provisions clearly demonstrates the legislative intendment on excluding application of general law of limitation to this special statute. Such a view would also find clear support from the language of Section 29 (2) of the Limitation Act which postulates that when a special law prescribes for any period of limitation different from the period prescribed in the Schedule to the Limitation Act and the language of the provisions of such special law is indicative of express or implied exclusion, then Sections 4 to 24 (inclusive) of the Limitation Act shall apply only and to the extent they are not excluded by the Special Law. The cumulative reading of Section 16, particularly, the proviso and Section 29 of the Limitation Act leaves no doubt in mind that legislature had clearly intended to exclude the application of the general law of limitation provided under the Limitation Act from the NGT Act. Proviso to Section 16 of the NGT Act uses the expression 'allow it to be filed under this Section within a further period not exceeding 60 days'. The use of the negative language 'not' in the proviso makes it mandatory that appeals cannot be filed after the expiry of total period of 90 days and thus, there is lack of jurisdiction of the tribunal to condone the delay beyond a total period of 90 days. The framers of law, where, in their wisdom wanted to give a benefit and/or restrict or place embargo on exercise of a right, have done so by using specific language in Section 16 of the NGT Act. A special concession is made available to an appellant to file an appeal beyond 30 days, the initial period of limitation prescribed under that provision. The framers there put a specific embargo on the power of the Tribunal not to entertain an appeal after the expiry of a further period of 60 days. Thus the legislature, by necessary implication excluded the application of general law of limitation from the provisions of the NGT Act. At this stage we may refer to the judgment of the Supreme Court in the case of *Hukumdev Narain Yadav v. Lalit Narain Mishra*, (1974) 2 SCC 133, where the Supreme Court was dealing with the provisions of the Representation of the Peoples' Act, 1951 and the applicability of the provisions of the Limitation Act. The Court in relation to the interpretation of the language of Section 29(2) of the Limitation Act held as:

"17. What we have to determine is whether the provisions of this section are expressly excluded in the case of an election

petition. It is contended before us that the words "expressly excluded" would mean that there must be an express reference made in the special or local law to the specific provisions of the Limitation Act of which the operation is to be excluded. As usual the meaning given in the Dictionary has been relied upon, but what we have to see is whether the scheme of the special law, that is in this case the Act, and the nature of the remedy provided therein are such that the Legislature intended it to be a complete code by itself which alone should govern the several matters provided by it. If on an examination of the relevant provisions it is clear that the provisions of the Limitation Act are necessarily excluded, then the benefits conferred therein cannot be called in aid to supplement the provisions of the Act. In our view, even in a case where the special law does not exclude the provisions of Section 4 to 24 of the Limitation Act by an express reference, it would nonetheless be open to the Court to examine whether and to what extent the nature of those provisions or the nature of the subject-matter and scheme of the special law exclude their operation."

31. In terms of the proviso to Section 16 of the NGT Act, the twin consequences that flow from the very language thereof are that firstly, it takes away the right of a party to file an appeal on the expiry of 90 days and simultaneously, it vests a valuable right in the opposite party. Secondly, it takes away the very jurisdiction of the Tribunal to entertain or allow filing of appeal after the expiry of the prescribed period. None of the provisions vest jurisdiction in the Tribunal to condone the delay after the expiry of 90 days, be there a sufficient cause or not for filing the appeal after that period. In the light of this, the contention that the section does not provide for any civil consequences can hardly be accepted. To examine the consequences of a default in a provision, the rule of plain construction should normally be applied. If upon bare reading of the provision consequences are clear and such consequences are in line with the object and purpose of the Act, then there is no occasion for the Court or the Tribunal to read words into the provisions which are non-existent. Wherever the language of a statute, in its ordinary meaning and grammatical construction, leads to a manifest contradiction of an apparent purpose of the enactment, there it may be advisable to modify the meaning of the words. The Court or the Tribunal would adopt an interpretation which is reasonable and sensible rather than that which is none of those things [Sri Nasiruddin v. State Transport Appellate Tribunal, AIR (1976) SC 331]. Often applied principle of interpretation is that where the statutory provision is plain and unambiguous, the Court shall not interpret the same in a different manner only because of harsh consequences arising therefrom [Refer E. Palanisamy v. Palanisamy (D) by Lrs. and Ors., (2003) 1 SCC 123]. Mere inconvenience or some hardship has not been accepted as a relevant consideration for giving different meaning to the provision which otherwise is clear and unambiguous on its plain reading. Limitation is a statute of repose. It ordinarily bars a remedy, but does not extinguish a right. Ordinarily, the words of a statute have to be given their strict grammatical meaning and equitable considerations are out of place, particularly in provisions of law limiting the period of limitation for filing suits or legal proceedings. In General Accident and Life Assurance Corporation Ltd. v. Janmahomed Abdul Rahim, AIR 1941 PC 6, the Supreme Court held as under:  
 "A limitation Act ought to receive such a construction as the language in its plain meaning imports..... Great hardship may occasionally be caused by statutes of limitation in cases

of poverty, distress and ignorance of rights, yet the statutory rules must be enforced according to their ordinary meaning in these and other like cases."

32. The provisions providing for period of limitation cannot be so liberally construed so as to not only deprive the right to other party to whom a benefit has accrued, but even frustrate the very purpose of such provision. In the case of *P.K. Ramachandran v. State of Kerala & another*, AIR 1998 SC 2276, the Supreme Court held as under:

"6. Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribe and the Courts have no power to extend the period of limitation on equitable grounds. The discretion exercised by the High Court was, thus, neither proper nor judicious. The order condoning the delay cannot be sustained. This appeal, therefore, succeeds and the impugned order is set aside. Consequently, the application for condonation of delay filed in the High Court would stand rejected and the Miscellaneous First Appeal shall stand dismissed as barred by time. No costs."

33. Normally, the statutory period of limitation provided in a provision like under the NGT Act, is un-extendable by recourse to provisions of Section 5 of the Limitation Act. While applying the provisions of limitation, besides applying the rule of strict construction, the Tribunal has to keep a balance between rival rights of the parties; appellant who has lost his right or whose remedy is barred by time and other to whom a benefit has accrued as a result of loss of right of the first. At this stage, it may be appropriate to make reference to a recent judgment of the Supreme Court, in the case of *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy and others*, Civil Appeal Nos. 8183-8184 of 2013 (Arising out of SLP (C) Nos. 24868-24869 of 2011), where the Court was primarily concerned with the condonation of delay in filing an appeal. The Court adverted itself towards the respective rights and obligations of the parties and held as under:

"26. The law of limitation is a substantive law and has definite consequences on the right and obligation of a party to arise. These principles should be adhered to and applied appropriately depending on the facts and circumstances of a given case. Once a valuable right has accrued in favour of one party as a result of the failure of the other party to explain the delay by showing sufficient cause and its own conduct, it will be unreasonable to take away that right on the mere asking of the applicant, particularly when the delay is directly a result of negligence, default or inaction of that party. Justice must be done to both parties equally. Then alone the ends of justice can be achieved. If a party has been thoroughly negligent in implementing its rights and remedies, it will be equally unfair to deprive the other party of a valuable right that has accrued to it in law as a result of his acting vigilantly.

vii) The concept of liberal approach has to encapsule the conception of reasonableness and it cannot be allowed a totally unfettered free play."

In light of these principles, the contention of the appellant that the National Green Tribunal is the forum to which first appeal is provided against the orders specified in Section 16 of the NGT Act and that these provisions should be construed liberally, can hardly be accepted. Also there is no question of deprivation of right to appellant. The right of appeal is a statutory right and can be exercised within the prescribed period of limitation. If a party chooses to sleep over its right and permits the remedy available to it to become barred by time, then it can hardly be heard to contend that it has lost a valuable right and the result is unjust. Such interpretation would be a normal corollary of application of rule of 'plain

*construction'. This would be in line with the object and purpose of the Act and would also subserve the cause of justice. This interpretation would not preclude any litigant from taking recourse to an appropriate remedy prescribed in the Act and in accordance with law.*

*34. The provisions of Section 16 of the NGT Act do not admit of any ambiguity or absurdity. It clearly provides the period of limitation and the consequences of default for not filing the appeal within the prescribed period of limitation. We do not see any reason to give any other interpretation to the provisions of Section 16 of the NGT Act than the one which the legislature in its wisdom has expressed in plain and unambiguous terms.*

*53. From the above discussion, it is clear that provisions of Order VIII Rule 1 of the Code of Civil Procedure, 1908, do not impose any embargo upon the power of the Court to extend the time. The provision is in the domain of procedural law and was held to be 'directory' by the Supreme Court. On the contrary, the provision of Section 16 of the NGT Act is in unambiguous language and imposes restriction upon the power of Tribunal to permit even institution of an appeal beyond the prescribed period. Besides this and for the reasons afore-recorded, the provision has to be construed as 'mandatory'.*

*54. Having dealt with the various aspects of this case and the rival contentions raised on behalf of the respective parties we are of the considered view that the provisions of Section 16 of the NGT Act are unexceptionally 'mandatory'. The said provision clearly conveys the legislative intent of excluding the application of the provisions of the Limitation Act, 1963. Further, with approval we reiterate the view taken by the Tribunal in the cases referred supra that this Tribunal has no jurisdiction to condone the delay beyond the total period of 90 days provided under Section 16 of the NGT Act. In fact, the Tribunal cannot permit even institution of an appeal if there is such a delay.*

*55. Accordingly, we hold that the present appeal is barred by limitation and the Tribunal has no jurisdiction to condone the delay of 104 days as prayed. Resultantly, the application for condonation of delay is dismissed and appeal does not survive for consideration....."*

Applying the ratio settled in the above judgement, we see no reason to condone the delay of 151 days and the appeal deserves to be rejected.

10. Nonetheless, Section 16 empowers only 60 days period to be condoned on furnishing sufficient cause. The National Green Tribunal Act, 2010 is a special statute prescribing a period of limitation for filing appeals. The Limitation Act, 1963 is not applicable to Tribunals created under special statute. As the appeal

is not filed within the time provided under the Act, the same is liable to be rejected. Accordingly, I.A. No. 49 of 2023 is dismissed.

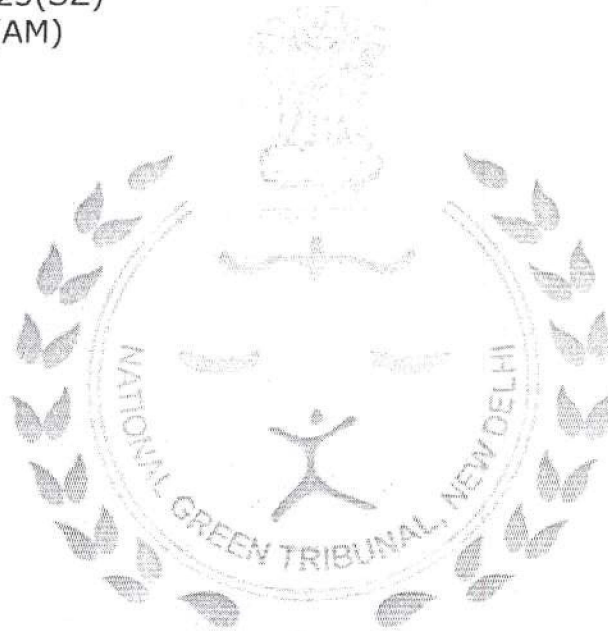
11. Consequently, the appeal is also rejected.

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

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

Internet – Yes/No  
All India NGT Reporter – Yes/No

I.A. No. 49/2023(SZ)In  
Appeal. No.08/2023(SZ)  
25th May, 2023. (AM)



**Before the National Green  
Tribunal  
Southern Zone (Chennai)**

**I.A. No. 49 of 2023(SZ)**

**IN**

**Appeal No. 02 of 2023**

Khambampati Venkata  
Ramesh

Vs.

A.P. PCB, The Joint Chief  
Environ ER and Ors.



I.A. No. 49/2023(SZ) In  
Appeal No. 08/2023(SZ)  
25th May, 2023. (AM)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 5463/2023

KHAMBAMPATI VENKATA RAMESH

APPELLANT(S)

VERSUS

THE JOINT CHIEF ENVIRONMENTAL ENGINEER &amp; ANR.

RESPONDENT(S)

ORDER

Heard the learned counsel appearing for the parties.

Our attention is invited to the averment made in paragraph 3 of the application filed by the appellant before the National Green Tribunal (for short, "the Tribunal"). The averment is that till 20<sup>th</sup> December, 2022, the appellant had no knowledge about the order which was impugned by way of an appeal before the Tribunal. This aspect has not been considered in the impugned order. We, therefore, set aside the impugned order dated 25<sup>th</sup> May, 2023.

In our opinion, in view of the averments made in paragraph 3 of the application, the delay ought to have been condoned. Accordingly, without prejudice to the contentions raised by the respondents that the appeal was not maintainable, we condone the delay and restore Appeal No. 08 of 2023 (SZ) to the file of the Tribunal.

At the time of the hearing of the appeal before the Tribunal, respondents can always raise the contention regarding maintainability of the appeal. The Tribunal will consider the said

objection in accordance with law.

The Appeal is, accordingly, allowed.

.....J.  
(ABHAY S.OKA)

.....J.  
(SANDEEP MEHTA)

NEW DELHI;  
DECEMBER 04, 2023.

ITEM NO.52

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5463/2023

KHAMBAMPATI VENKATA RAMESH

APPELLANT(S)

VERSUS

THE JOINT CHIEF ENVIRONMENTAL ENGINEER &amp; ANR.

RESPONDENT(S)

(IA No.158726/2023-APPROPRIATE ORDERS/DIRECTIONS )

Date : 04-12-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Appellant(s) Mrs. K. Sarada Devi, AOR  
Mr. R. Vijay Nandan Reddy, Adv.  
Mr. V. Krishna Swaroop, Adv.

For Respondent(s) Mr. T.V.S. Raghavendra Sreyas, AOR  
Mr. Siddharth Vasudev, Adv.

Mr. Parnam Prabhakar, Adv.  
Mr. Tarun Chauhan, Adv.  
Mr. Shashwat Goel, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The Appeal is allowed in terms of the signed order.

Pending application stands disposed of accordingly.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]

Annexure - XI

(44)

Item No.02:

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Appeal No.08 of 2023(SZ)

IN THE MATTER OF:

Khambampati Venkata Ramesh,  
Andhra Pradesh.

... Appellant(s)

*Versus*

The Joint Chief Environmental Engineer,  
Andhra Pradesh Pollution Control Board,  
Zonal Office, Vijayawada and Anr.

... Respondent(s)

Date of hearing: 07.05.2024.



CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Appellant: Mr. Gautam S Raman along with  
Mr. Vishranth.

For Respondent: Mrs. Madhuri Donti Reddy for State of Andhra Pradesh.

**ORDER**

1. This matter has been remanded by the Hon'ble Supreme Court when the order of this Tribunal refusing to condone the delay was taken on challenge. So, the dismissal was set aside and the appeal was restored to file.
2. At the request of the learned counsel appearing for the appellant, post the matter on **24.05.2024**.

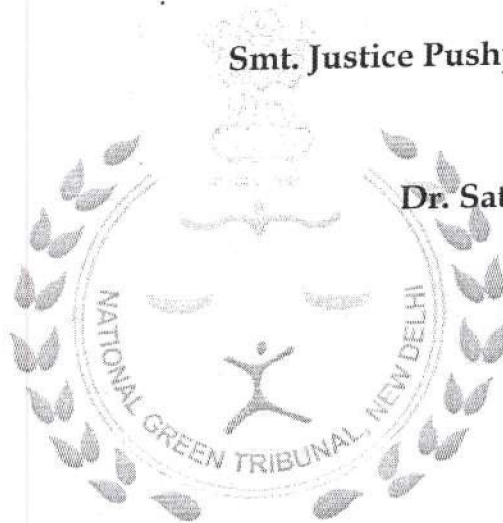
Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

Appeal No.08/2023(SZ)  
07<sup>th</sup> May, 2024. AD.



Annexure- XII

(46)

THADANKI,

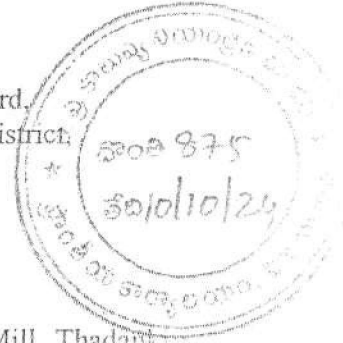
Date: 10-10-2024

From

M/s Sri Ratnam Modern Rice Flour Mill,  
K.V. Ramesh, Thadanki (V),  
Pamidimukkala Mandal, Krishna District,  
Andhra Pradesh.

To

A.P. Pollution Control Board,  
Regional Office, N.T.R. District,  
Vijayawada.



Respected Sir,

Sub:- Sri K.V. Ramesh, Prop. M/s Sri Ratnam Modern Rice Flour Mill, Thadanki (V), Pamidimukkala Mandal, Krishna District – Rectified the said problems like AIR, Noise and pollution problems with in surroundings and also Shed closed in the premises – Permission for regular running the Floor Mill – Request – Regarding.

Ref:- APPCB/ZO-VJA/EAC/2021 Vijayawada, dated 08.11.2021 of the A.P. Pollution Control Board, NTR District, Vijayawada.

\*\*\*\*\*

In response of the above reference cited, the Joint Chief Environmental Engineer has issued show cause notice to M/s Sri Ratnam Modern Rice Flour Mill, Thadanki (V), Pamidimukkala Mandal, Krishna District for the problems of AIR, Noise and pollution problems with in surroundings and also Shed closed immediately as per instructions of the AP Pollution Control Board, NTR District, Vijayawada.

In view of the above, I have rectified and implemented the following arrangements in my Floor Mill the details as given below.

|    |  |   |
|----|--|---|
| a  | The industry shall restrict the production capacity to 7.5 TPD only  | I have agreed to limit the industry capacity to 7.5 TPD only.   |
| b. | The Industry shall take all pollution control measures including noise control measures to avoid pollution nuisance to the surroundings including closed sheds, noise barriers covering the entire area towards complainant residence on or before 15.12.2021. | present I took all pollution control measures including noise control measures to avoid pollution nuisance to the surroundings including closed sheds covering the entire area towards the complainant's residence, noise barriers. |
| c  | The truck movement shall be allowed only from 9.00 AM to 6.00 PM only  | I agree truck movement only from 9.00 AM to 6.00 PM only  |
| d. | The industry shall not operate the mill during night time and to restrict the operation including truck movement from 9.00 AM to 6.00 PM only.   | I do not drive the mill during night time and to restrict the operation including truck movement from 9.00 AM to 6.00 PM only.  |

For  
Inspection  
10/10

2

|    |   |   |
|----|---|---|
| e  | The industry shall obtain Consent for Operation of the Board for operation of the Rice mill   | Seeking permission from the board to run a rice mill.   |
| f. | The industry shall submit a Bank Guarantee for Rs.1.0 Lakh towards ensuring compliance of the directions issued by the Board on or before 15.11.2021. | On 15.11.2021 Or I ready to furnish 1 lakh bank guarantee to the department by the date mentioned by you in compliance with the orders issued earlier by the Board. |

Therefore, I request the A.P. Pollution Control Board Regional Office, NTR District, Vijayawada. Kindly consideration and provide necessary permission to running the M/s Sri Ratnam Modern Rice Flour Mill, Thadanki Village, Pamidimukkala Mandal in Krishna District as early as possible.

Thanking you Sir,

Yours faithfully,

*K. V. Ramesh*

(K.V. Ramesh)

Parawise remarks on Appeal No. 08 of 2023 (SZ) filed before the Hon'ble N.G.T by Sri Kambhampati Venkata Ramesh on M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District.

| Para No.              | Remarks   |
|-----------------------|---|
| Para No.1             | <p>It is to humbly submit that the Joint Chief Environmental Engineer, Zonal office, Vijayawada had issued directions to M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District on 08.11.2021 for control of pollution duly according an opportunity to the petitioner and the rice mill lease holder in the External Advisory Committee during its meeting held on 05.11.2021 at ZO, Vijayawada. These directions were issued in compliance of the Hon'ble High Court of A.P. orders in W.P. no. 12269 of 2021 while considering the representation of the petitioner.</p> <p>But, the lease holder of the rice mill has failed to comply the directions of the Board. The issue was reviewed in the EAC meeting held at ZO, Vijayawada on 14.07.2022 and issued Closure order to the rice mill on 15.07.2022 under water &amp; Air Acts regarding complaints on Air &amp; Noise pollution problems caused due to operation of rice mill and for non-compliance of Board directions.</p> <p>The Board has stipulated a condition in the Board closure order dated 15.07.2022 if the industry is aggrieved by this order made by A.P. Pollution Control Board under Section 33(A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Section 31 (A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987, you may prefer an appeal before the Appellate Authority within 30 days from the date of receipt of this order.</p> <p>Further, it is to submit that as per the Zonal document of Andhra Pradesh Pollution Control Board which was formulated vide Board Resolution No.1230 of the 89<sup>th</sup> Board Meeting held on 30.09.1998, Zonal Offices are vested with the power of issue directions, under sections 20, 21 &amp; 31A for Orange and Green category of industries for better implementation of both Air and Water Acts.</p> <p>The Board officials went to the rice mill to serve the closure order dated 15.07.2022 issued by the Board but at the time the rice mill is not in operation and main doors were locked. No responsible person available at the rice mill to take the closure order. The Board officials pasted the closure order on the main doors of the rice mill on 16.07.2022.</p> |
| Para No.2<br>(I & II) | ----  |
| Para No.3             | <p>It is true that, Sri K.V. Ramesh has taken M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District on lease basis of the period 18.08.2017 to 17.08.2027, vide agreement dated.18.08.2017. The complainant Sri K. Gopala Krishna's house is located towards North side of the rice mill.</p>   |
| Para No.4             | <p>Under Section 27 of AP Air Pollution (Prevention and Control of Pollution) Rule read with section 19(1) of Air (Prevention and Control of Pollution) Act,1981, shall be applicable to the entire State of Andhra Pradesh. Therefore, entire State of A.P. is declared as Air Pollution Control area.</p> <p>Also as per the revised classification of categorization of industries with regard to pollution potential, CPCB declared the activity of rice milling as Green Category under SI.No.39 mandatorily requires to obtain consents from the APPCB.</p>   |

| Para No.  | Remarks   |
|-----------|---|
| Para No.5 | <p>It is true that, the Writ Petition filed by Sri K. Gopala Krishna before the Hon'ble High Court of A.P, vide W.P. No.12269 / 2021 was disposed on 29.06.2021 with the following order</p> <p><b><i>“Hence, we dispose of the Writ Petition directing respondent No.5 to consider the representation of the petitioner at Page No.28 of the Writ Petition and upon due enquiry and opportunity of hearing to the petitioner and other affected persons including the non-official respondent No.9 to take appropriate decision in the matter within three (3) months from the date of communication of this order, in accordance with law. Needless to mention, in the event respondent No.5 comes to a conclusion running of the mill is causing environmental pollution in the area, it shall pass appropriate orders to ensure abatement of pollution in the locality.</i></b></p> <p><b><i>We make it clear that we have not gone into the merits of the matter, which is kept open to be decided by respondent No.5 independently and in accordance with law, with the above directions, the Writ Petition is disposed of. No orders as to costs”.</i></b></p>   |
| Para No.6 | <p>It is true that on receipt of directions of the Board, Sri K.V.Ramesh lease holder of the rice mill filed a W.P. No. 29160 of 2021 before the Hon'ble High Court of A.P. against the Board directions dated.08.11.2021 and Sri K. Gopala Krishna complainant is also a respondent.</p> <p>The complainant Sri K. Gopala Krishna also filed a Writ Petition No.7737 of 2022 before the Hon'ble High Court of A.P. stating that the rice mill is not implementing the directions of the Board i.e., the Joint Chief Environmental Engineer, Zonal Office, A.P. Pollution Control Board dated.08.11.2021 and as well as the order dated. 29.06.2021 in W. P. No.12269 of 2021 passed by the Hon'ble High Court of A.P.</p> <p>It is to humbly submit that the rice mill is located in Krishna District and is under the jurisdiction of the Regional office, Vijayawada and Zonal office, Vijayawada as per the APPCB Zonal document.</p> <p>After receiving the orders of the Hon'ble High Court of A.P. dated.29.06.2021 in W.P. No.12269 of 2021, the officials of RO, Vijayawada have inspected the rice mill on 24.07.2021 and issued a show cause notice to the rice mill on 29.07.2021 for causing air, noise and odour nuisance to the surrounding environment.</p> |
| Para No.7 | <p>After receiving the orders of the Hon'ble High Court of A.P. dated.29.06.2021 in W.P. No.12269 of 2021 through the Collectorate, Krishna, Machilipatnam the officials from the Regional office, Vijayawada have inspected the rice mill on 24.07.2021 and contacted Sri K.V.Ramesh and complainant. The Board issued show cause notice to the rice mill on 29.07.2021 for causing air, noise and odour nuisance to the surrounding environment.</p>  |
| Para No.8 | <p>It is true that, the lease holder of the rice mill Sri K.V. Ramesh has submitted his reply to the show cause notice which was received at Regional office, Vijayawada on 13.08.2021 stating that they have taken measures for control of pollution.</p>  |
| Para No.8 | <p>The Board officials from the Regional office, Vijayawada has inspected the rice mill again on 22.09.2021 and Sri K.V. Ramesh accompanied with Board officials during inspection the following observations were made:</p>  |

| Para No.   | Remarks   |
|------------|---|
|            | <ul style="list-style-type: none"> <li>➤ At the time of inspection, the rice mill is in operation.</li> <li>➤ During the inspection, it was observed that, the proponent of the rice mill constructed an aluminum corrugated sheet wall in Northern direction of the complainant house and the same is being extended upto end of the compound wall.</li> <li>➤ The proponent of the rice mill has constructed closed husk room for storing / collection of husk.</li> <li>➤ No greenbelt was developed in and around the rice mill.</li> </ul> <p>The Regional office, Vijayawada submitted a detailed report dated 23.10.2021 to the Zonal office, Vijayawada to review the industry before the external advisory committee and action to be initiated.</p>   |
| Para No.9  | <p>It is humble submitted that the Board officials inspected the rice mill on 24.07.2021 and also on 22.09.2021 and submitted the status of compliance report on the directions issued by the Board and to take necessary action vide letter dated 23.10.2021.</p>  |
| Para No.10 | <p>It is true that, based on the RO, Vijayawada report dated 23.10.2021, the Joint Chief Environmental Engineer, Zonal Office, Vijayawada issued Review / Hearing notice to the occupier of the M/s. Ratnam Modern Rice Mill on 03.11.2021 to appear before the EAC on 05.11.2021 at 12:30 P.M. in person / through video conference with all necessary information.</p>  |
| Para No.11 | <p>It is not true that, the Board has not sent any information letter to Sri K.V. Ramesh to attend the meeting scheduled on 05.11.2021. The Joint Chief Environmental Engineer, Zonal Office, Vijayawada issued Review / Hearing notice to the occupier of the M/s. Ratnam Modern Rice Mill on 03.11.2021 to appear before the EAC on 05.11.2021 at 12:30 P.M. in person / through video conference with all necessary information.</p> <p>The Sri K.V. Ramesh has attended the External Advisory Committee meeting on 05.11.2021 at Zonal office, Vijayawada and signed in the attendance register.</p> <p>The lease holder Sri K.V. Ramesh has informed the committee that at present they are processing 15 TPD of paddy. They have taken pollution control measures for control of air pollution duly providing cladding system towards the complainant house and also provided closed husk room to avoid dust nuisance to the complainant. The lease holder agreed to take additional pollution control measures so that no pollution is caused to neighbours and ready to stop its operation during night time.</p> |
| Para No.12 | <p>It is true that, on receipt of directions of the Board, Sri K.V.Ramesh lease holder of the rice mill filed a W.P. No. 29160 of 2021 against the Board directions dated.08.11.2021 and Sri K. Gopala Krishna, complainant is also a Respondent.</p> <p>The complainant Sri K. Gopala Krishna, complainant also filed a Writ Petition No.7737of 2022 before the Hon'ble High Court of A.P. stating that the rice mill is not implementing the directions of 3rd Respondent i.e., the Joint Chief Environmental Engineer, Zonal Office, A.P. Pollution Control Board dated.08.11.2021 and as well as the order dated. 29.06.2021 in W. P. No.12269 of 2021 passed by the Hon'ble High Court of A.P.</p> <p>The above two cases were disposed with common order by the Hon'ble High Court of AP.</p> <p>The Board officials have inspected the rice mill on 07.07.2022 and submitted a latest status report on the directions to the ZO, Vijayawada on 08.07.2022.</p>   |

| Para No.   | Remarks   |
|------------|---|
| Para No.13 | <p>The Board received the combined order of the Hon'ble High Court, AP dated 20.06.2022, in W.P. No.29160 of 2021 &amp; W.P.No.7737 of 2022. After receiving the order the Board officials inspected the rice mill on 07.07.2022 and observed that the rice mill is not complying with the directions issued by the Board vide order dated 08.11.2021. The Regional office, Vijayawada has submitted report to the Zonal office, Vijayawada for taking necessary action vide letter dated 08.07.2022.</p> <p>The Zonal office, Vijayawada has reviewed the industry before the External Advisory Committee on 14.07.2022 and the committee observed that the rice mill is not complied with the directions issued by the Board vide order dated 08.11.2021.</p> <p>The Zonal office, Vijayawada has issued closure order to the rice mill on 15.07.2022 for causing air &amp; noise pollution in the surrounding area in the interest of public health and environment.</p> |
| Para No.14 | <p>Under Section 27 of AP Air Pollution (Prevention and Control of Pollution) Rule read with section 19(1) of Air (Prevention and Control of Pollution) Act,1981, shall be applicable to the entire State of Andhra Pradesh. Therefore, entire State of A.P. is declared as Air Pollution Control area.</p>   |
| Para No.15 | <p>The Board officials went to the rice mill to serve the closure order dated 15.07.2022 issued by the Board but at the time the rice mill is not in operation and main doors were locked. No responsible person available at the rice mill to take the closure order. The Board officials pasted the closure order on the main doors of the rice mill on 16.07.2022.</p>   |
| Para No.16 | <p>It is true that, the lease holder of the rice mill as filed as appeal before the Hon'ble N.G.T, Chennai challenging the closure order dated 15.07.2022 of the Joint Chief Environmental Engineer, AP Pollution Control Board, Zonal office, Vijayawada.</p>  |
| Para No.17 | --  |



**ANDHRA PRADESH POLLUTION CONTROL BOARD  
REGIONAL OFFICE, VIJAYAWADA.**

*Plot No.41, Opp: SBI, Sri Kanakadurga Officers' Colony, Gurunanak  
Nagar, Vijayawada – 520 008.*



Ph: 0866-2543542

Lr.No.NGT/APPEAL No.8/PCB/RO-VJA/2024-679

Date.16.10.2024

To  
The Joint Chief Environmental Engineer,  
A.P. Pollution Control Board,  
Zonal office, Vijayawada.

Sir,

Sub: APPCB-RO-VJA-Appeal no.8 of 2023 filed before the Hon'ble N.G.T (SZ) by Sri Kambhampati Venkata Ramesh challenging the closure order dated. 15.07.2022-The Hon'ble Supreme Court of India order dated.04.12.2023 in Civil Appeal No. 5463/2023 related to M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukkala (M), Krishna District-The Hon'ble N.G.T order dated.30.07.2024 in Appeal No.08 of 2023 (SZ)-Status report submitted to take further necessary action, in view of the Hon'ble N.G.T dated.30.07.2024-Reg.

- Ref:
1. The Hon'ble High Court order dated. 29.06.2021 in W.P.No.12269 of 2021 filed by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukkala (M), Krishna District received from the Collectorate, Krishna on 16.07.2021.
  2. Board officials conducted inspection on 24.07.2021 and report dated.25.07.2021.
  3. Notice no.APPCB/RO-VJA/2021-363, Dt.29.07.2021 show cause notice issued to the rice mill.
  4. Roc.No.381/2021, Dt.09.08.2021, letter received from the District Panchayat Officer, Krishna, Machilipatnam and received this office on 17.08.2021.
  5. T.O. Lr.No.W.P.No.12269/APPCB/RO-VJA/2021-784, Dt.23.10.2021, status report submitted to the ZO, Vijayawada.
  6. Order no. APPCB/ZO-VJA/EAC/2021, Dt.08.11.2021 directions issued by the ZO to the rice mill.
  7. W.P. No.29160 of 2021 filed by Sri Kambhampati Venkata Ramesh, Lease holder of the rice mill.
  8. T.O.Lr.No.W.P.No.12269/APPCB/RO-VJA/2022-1392, Dt.28.03.2022, report submitted to the ZO, Vijayawada.
  9. W.P. No.29160 of 2021 filed by Sri Kambhampati Venkata Ramesh, Lease holder of the rice mill.
  - 10.W.P.No.7737 of 2022 filed by Sri K. Gopala Krishna before the Hon'ble High Court of AP.
  - 11.T.O. Lr.No.W.P.No.12269/APPCB/RO-VJA/2022-366, Dt.08.07.2022, latest status report submitted to the ZO, Vijayawada.
  - 12.Order no.APPCB/ZO-VJA/EAC/2022, Dt.15.07.2022 Closure order issued by the ZO, Vijayawada to the rice mill.
  - 13.Appeal no.8 of 2023 filed before the Hon'ble N.G.T (SZ) by Sri Kambhampati Venkata Ramesh.
  - 14.The Hon'ble N.G.T order dated.25.05.2023 in I.A.No.49 of 2023 (SZ) & Appeal no.08 of 2023 (SZ).
  - 15.The Hon'ble Supreme Court of India order dated.04.12.2023 in Civil Appeal no.5463/2023.
  - 16.E.mail message received from Legal Cell, Board office, Vijayawada on 30.06.2024.
  - 17.Board officials inspection of the rice mill on 22.07.2024.

18. T.O.Lr.No.NGT/APPEAL No.8/PCB/RO-VJA/2024-380, Dt.25.07.2024, report submitted to the Board office, Vijayawada.  
 19. The Hon'ble N.G.T, Chennai order dated.30.07.2024 in Appeal No.08 of 2023 (SZ).  
 20. Representation submitted by the rice mill on 10.10.2024.  
 21. Board officials inspection of the rice mill on 18.09.2024 & 14.10.2024.

\*\*\*\*\*

It is to submit that M/s. Sri Ratnam Modern Rice and Floor Mill is located at Thadanki(V), Pamidimukala (M), Krishna District and is involved in the milling of the paddy to produce Raw rice.

A compliant was made by Sri K. Gopala Krishna, D.No.3-5, Thadanki (V), Pamidimukala(M), Krishna District against M/s. Sri Ratnam Modern Rice and Floor Mill, Thadanki (V), Pamidimukala (M), Krishna District causing air & noise pollution by filling W.P. No.12269 of 2021 in the Hon'ble High Court of AP.

The W.P.No.12269 of 2021 was disposed on 26.09.2021 and the regional office Vijayawada received the order from Collectorate, Krishna Machilipatnam on 16.07.2021 to take necessary action. The writ petition disposed with the following order:

***"Hence, we dispose of the Writ Petition directing respondent No.5 to consider the representation of the petitioner at Page No.28 of the Writ Petition and upon due enquiry and opportunity of hearing to the petitioner and other affected persons including the non-official respondent No.9 to take appropriate decision in the matter within three (3) months from the date of communication of this order, in accordance with law. Needless to mention, in the event respondent No.5 comes to a conclusion running of the mill is causing environmental pollution in the area, it shall pass appropriate orders to ensure abatement of pollution in the locality.***

***We make it clear that we have not gone into the merits of the matter, which is kept open to be decided by respondent No.5 independently and in accordance with law, with the above directions, the Writ Petition is disposed of. No orders as to costs".***

In obedience to the Hon'ble High Court of A.P. orders, the officials of Regional office, Vijayawada have inspected the rice mill on 24.07.2021 and observed that Sri K.V Ramesh is operating the rice mill and Sri K.V. Ramesh taken the rice mill i.e., M/s. Sri Ratnam Modern Rice and Floor Mill on lease basis for the period 18.08.2017 to 17.08.2027, vide agreement dated.18.08.2017. The complainant Sri K.Gopala Krishna's house is located towards North side of the rice mill. The Regional office, Vijayawada issued a show cause notice to the rice mill on 29.07.2021 causing air, noise pollution & odour nuisance by the rice mill to the surrounding environment.

This office received a letter from the District Panchayat Officer, Krishna, Machilipatnam on 17.08.2021 regarding implementation of the orders of the Hon'ble High Court of A.P. dated.29.06.2021 in W.P.No.12269 of 2021.

The officials of the RO, Vijayawada again inspected the rice mill on 22.09.2021 and observed certain non-compliances and requested the Zonal Office, Vijayawada vide letter No. WPN0.12269/APPCB/RO-VJA/2021-784, Dated.23.10.2021 that the issue may be placed and reviewed before External Advisory Committee (EAC) of Zonal Office, Vijayawada and action to be initiated on the non-compliances reported.

Based on the RO, Vijayawada report, the Joint Chief Environmental Engineer, Zonal Office, Vijayawada issued Review / Hearing notice to the occupier of the M/s. Ratnam Modern Rice Mill on 03.11.2021 to appear before the EAC on 05.11.2021 at 12:30 P.M. in person / through video conference with all necessary information.

The industry was reviewed in the External Advisory Committee (EAC) meeting held on 05.11.2021 duly giving opportunity for personal hearing to the rice mill as well as to the complainant. The lease holder of the rice mill and complainant have also attended the hearing in person. The EE and AEE, RO, Vijayawada attended the EAC meeting and informed that this is an old rice mill and operating since 1978. The complainant house is abutting the rice mill. Earlier the rice mill was operated with low capacity and now they have enhanced the capacity of the rice mill thereby causing pollution problems.

Sri K.Gopala Krishna, petitioner attended the EAC meeting and informed that hitherto the rice mill is being operated only with 20 to 30 bags of paddy on job work basis for local farmers and now they have enhanced its capacity to 1100 bags per day duly making modifications by erecting elevator resulting in the movement of lorries and tractors thereby air and noise pollution increased tremendously which is causing severe health problems to the family members. The rice mill is in operation even in the night times also due to which they are suffering with air and noise pollution, also requested to operate the unit without any pollution and also requested not to operate at nights.

Sri K.V.Ramesh, lease holder of the rice mill attended the hearing and informed the committee that at present they are processing 15 TPD of paddy. They have taken pollution control measures for control of air pollution duly providing cladding system towards the complainant house and also provided closed husk room to avoid dust nuisance to the complainant. The lease holder agreed to take additional pollution control measures so that no pollution is caused to neighbours and ready to stop its operation during night time.

The External Advisory Committee after hearing to all concerned parties recommended to issue directions to the rice mill and also to impose a Bank Guarantee of Rs.1 lakh towards ensuring compliance of directions issued.

The Board issued the following directions to the rice mill on 08.11.2021:

- a. The industry shall restrict the production capacity to 7.5 TPD only.
- b. The industry shall take all pollution control measures including noise control measures to avoid pollution nuisance to the surroundings including closed sheds, noise barriers covering the entire area towards complainant residence on or before 15.12.2021.
- c. The truck movement shall be allowed only from 9.00 AM to 6.00 PM only.
- d. The industry shall not operate the mill during night time and to restrict the operation including truck movement from 9.00 AM to 6.00 PM only.
- e. The industry shall obtain Consent for Operation of the Board for operation of the Rice mill.
- f. The industry shall submit a Bank Guarantee for Rs.1.0 Lakh towards ensuring compliance of the directions issued by the Board on or before 15.11.2021.

Further, on receipt of directions of the Board, Sri K.V.Ramesh lease holder of the rice mill filed a W.P. No. 29160 of 2021 Hon'ble High Court of AP against the Board directions dated.08.11.2021 and Sri K. Gopala Krishna, complainant is also a Respondent.

The complainant Sri K. Gopala Krishna also filed a Writ Petition No.7737 of 2022 before the Hon'ble High Court of A.P. stating that the rice mill is not implementing the directions of 3<sup>rd</sup> Respondent i.e., the Joint Chief Environmental Engineer, Zonal Office, A.P. Pollution Control Board dated.08.11.2021 and as well as the order dated. 29.06.2021 in W. P. No.12269 of 2021 passed by the Hon'ble High Court of A.P. The MS, APPCB and the JCEE, ZO, Vijayawada are the respondents from the Board in the above two Writ Petitions.

The Board officials have inspected the rice mill on 07.07.2022 and submitted a latest status report on the directions to the ZO, Vijayawada on 08.07.2022 for taking further necessary action.

The issue was reviewed in the EAC meeting held at ZO, Vijayawada on 14.07.2022 and the ZO, Vijayawada had issued Closure order to the rice mill on 15.07.2022 for non-compliance of Board directions and directed to the SE (Op.), APCPDCL, Krishna District for disconnection of power supply to the rice mill.

The Board officials went to the rice mill to serve the closure order dated 15.07.2022 issued by the Board but at that time the rice mill is not in operation and main doors were locked. No responsible person available at the rice mill to take the closure order. The Board officials stick the closure order on the main doors of the rice mill on 16.07.2022.

The JCEE, ZO, Vijayawada has filed counters for the above two Writ Petitions in the Hon'ble High Court of A.P. duly submitting the action taken by the Board. The above 2 cases were disposed on by the Hon'ble High Court of A.P.

The lease holder of the rice mill Sri Kambhampati Venkata Ramesh has filed an appeal before the Hon'ble N.G.T vide appeal no. 8 of 2023 challenging the closure order issued by the Zonal office, Vijayawada vide order dated.15.07.2022.

The appeal no. 8 of 2023 was listed at the Hon'ble N.G.T (SZ) on 27.04.2023, 01.05.2023 & 25.05.2023. The Hon'ble N.G.T has rejected the appeal filed Sri Kambhampathi Venkata Ramesh.

***Para No.10: Nonetheless, Section 16 empowers only 60 days period to be condoned on furnishing sufficient cause. The National Green Tribunal Act, 2010 is a special statute prescribing a period of limitation for filing appeals. The Limitation Act, 1963 is not applicable to Tribunals created under special statute. As the appeal is not filed within the time provided under the Act, the same is liable to be rejected. Accordingly, I.A. No. 49 of 2023 is dismissed.***

***Para No.11: Consequently, the appeal is also rejected.***

The lease holder of the rice mill Sri Kambhampati Venkata Ramesh has filed a Civil Appeal No.5463 of 2023 before the Hon'ble Supreme Court of India. The Joint Chief Environmental Engineer, ZO, Vijayawada and complainant Sri K. Gopala Krishna are the respondents in the case.

The Hon'ble Supreme Court of India has disposed Civil Appeal on 04.12.2023 with the following order:

***"Heard the learned counsel appearing for the parties.***

*Our attention is invited to the averment made in paragraph 3 of the application filed by the appellant before the National Green Tribunal (for short, "the Tribunal"). The averment is that till 20<sup>th</sup> December, 2022, the appellant had no knowledge about the order which was impugned by way of an appeal before the Tribunal. This aspect has not been considered in the impugned order. We, therefore, set aside the impugned order dated 25<sup>th</sup> May, 2023.*

*In our opinion, in view of the averments made in paragraph 3 of the application, the delay ought to have been condoned. Accordingly, without prejudice to the contentions raised by the respondents that the appeal was not maintainable, we condone the delay and restore Appeal No. 08 of 2023 (SZ) to the file of the Tribunal.*

*At the time of the hearing of the appeal before the Tribunal, the respondents can always raise the contention regarding maintainability of the appeal. The Tribunal will consider the said objection in accordance with law. The Appeal is, accordingly, allowed.*

*The Appeal is allowed in terms of the signed order. Pending application stands disposed of accordingly".*

The lease holder of the rice mill has submitted the above order of the Hon'ble Supreme Court of India to the Hon'ble NGT, Chennai and the Appeal No.8 of 2023 was listed before the Hon'ble N.G.T (SZ) on 07.05.2024 and issued the following order:

***"This matter has been remanded by the Hon'ble Supreme Court when the order of this Tribunal refusing to condone the delay was taken on challenge. So, the dismissal was set aside and the appeal was restored to file".***

The Board officials have inspected the rice mill on 22.07.2024 and the status report along with parawise remarks were submitted to the Board office, Vijayawada on 25.07.2024. The JCEE, ZO, Vijayawada is the respondent in the above case.

The Appeal was listed on 30.07.2024 and the Hon'ble N.G.T has issued the following order:

1. *The above appeal is filed challenging the Order dated.15.07.2022 passed by the Andhra Pradesh Pollution Control Board (APPCB) closing the appellant's modern rice and flour mill situated at Tadanki Village, Padminimukkala Mandal, Krishna District.*
2. *The learned counsel appearing for the appellant would state that the conditions imposed by the APPCB as per their letter dated 08.11.2021 and also in the impugned order dated 15.07.2022 are complied with.*
3. *If that is so, it is open to the appellant to report the compliance of the directions to the APPCB. Upon such compliance, the APPCB can cause an inspection and pass appropriate orders.*

Further, it is to submit that the case was listed on 06.09.2024 and the Hon'ble N.G.T has posted the matter on 22.10.2024.

Sri K.V. Ramesh, Owner of the rice mill has submitted a representation to this office on 10.10.2024 informing the status of compliance of the Board directions and requested to issue permission for running of the rice mill. Copy enclosed.

The Board officials have inspected the rice mill on 18.09.2024 & 14.10.2024 and the status of the compliance of the Board directions dated.08.11.2021 is herewith submitted.

| Sl. No | Board Directions dated.08.11.2021   | Status of compliance   |
|--------|---|--|
| a.     | The industry shall restrict the production capacity to 7.5 TPD.   | At the time of inspection, the rice mill is not in operation.  |
| b.     | The industry shall take all pollution control measures including noise including closed sheds, noise barriers covering the entire area towards complainant residence on or before 15.12.2021. | The rice mill has provided the following: <ul style="list-style-type: none"> <li>❖ Closed shed for storage of the rice husk.</li> <li>❖ Permanent GI sheet cladding provided towards the complainant residential house i.e., North side.</li> <li>❖ Rice milling activity will be carried in closed shed.</li> </ul> |
| c.     | The truck movement shall be allowed only from 9.00 A.M. to 6.00 P.M. only.  | At the time of inspection, the rice mill is not in operation and hence no vehicular movement was observed at the rice mill.  |
| d.     | The industry shall not operate the mill during night time and to restrict the operation including truck movement from 9.00 A.M. to 6.00 P.M. only.  | The rice mill lease holder Sri K.V. Ramesh vide his letter dated.10.10.2024 has agreed that the truck movement only from 9:00 A.M. to 6:00 P.M. only and he do not drive the mill during night time and restrict the operation including truck movement from 9:00 A.M. to 6:00 P.M. only.                            |
| e.     | The industry shall obtain Consent for Operation of the Board for operation of Rice mill.  | Not complied.<br>The rice mill has not applied for consents of the Board.  |
| f.     | The industry shall submit a Bank Guarantee for Rs.1.0 Lakh towards ensuring compliance of the directions issued by the Board on or before 15.11.2021.   | Not complied.<br>The rice mill has not yet submitted a Bank Guarantee for an amount of Rs.1.0 Lakh.  |

In view of the above, it is requested to take further necessary action, in view of the Hon'ble N.G.T directions dated.30.07.2024.

The case is listed on 22.10.2024.

This is submitted favour of kind information and taking further necessary action.

Yours faithfully,

PASUPULA SRINIVASA  
RAO

Digitally signed by PASUPULA  
SRINIVASA RAO  
Date: 2024.10.16 20:17:59 +05'30'

**ENVIRONMENTAL ENGINEER**

Encl:A/a.

Copy submitted to

1. The MS, APPCB, BO, Vijayawada for kind information.
2. The JCEE (Legal), APPCB, BO, Vijayawada for kind information.

**Item No.8:****BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

**Appeal No.08 of 2023 (SZ)****IN THE MATTER OF:**

Khambampati Venkata Ramesh,  
Andhra Pradesh.

...Appellant (s)

*Versus*

The Joint Chief Environmental Engineer  
Andhra Pradesh Pollution Control Board,  
Zonal Office, Vijayawada and Anr.

...Respondent(s)

**Date of hearing: 30.07.2024.**

**CORAM:**

**HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Appellant (s): Mr. Gautam S. Raman.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1.

**ORDER**

1. The above appeal is filed challenging the Order dated 15.07.2022 passed by the Andhra Pradesh Pollution Control Board (APPCB) closing the appellant's modern rice and flour mill situated at Tadanki Village, Padmidimukkala Mandal, Krishna District.

2. The learned counsel appearing for the appellant would state that the conditions imposed by the APPCB as per their letter dated 08.11.2021 and also in the impugned order dated 15.07.2022 are complied with.

3. If that is so, it is open to the appellant to report the compliance of the directions to the APPCB. Upon such compliance, the APPCB can cause an inspection and pass appropriate orders.

4. Post the matter on 06.09.2024 for filing the report.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

Appeal No.08/2023 (SZ)  
30<sup>th</sup> July, 2024. Mn.