

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

APPEAL NO. 34 OF 2024 (SZ)

IN THE MATTER OF:

M/S. ANANDA MOTORS

....APPELLANT

Versus

**KARNATAKA STATE POLLUTION CONTROL
BOARD AND ORS**

..... RESPONDENTS

MEMO FILED BY THE COUNSEL FOR APPELLANT

It is humbly submitted that, that the Hon'ble National Green Tribunal in Appeal 34/2024(SZ) order dated 05.06.2025 directed the Appellant to approach respondent for re-examining the calculation and determine the correct penalty amount. Hence, in compliance towards the same the appellant had sent a letter to the respondent explaining the calculations which comes close to the tune of Rs.7,20,000/- and the same was received by the respondents on 09.07.2025. It is humbly requested to take it on record towards the compliance of this Hon'ble Tribunal order dated 05.06.2025 and thus render justice.

Dated at Chennai on this 31st day of July 2025.


COUNSEL FOR APPELLANT

**REQUEST TO RE-EXAMINE THE CALCULATION BASED ON INTERIM
ORDER BY HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH, CHENNAI IN APPEAL NO.34/2024(SZ)**

From

20.06.2025

M/s. Anand Motors,
Represented by Mr. K.Gnana Sekar,
Managing Partner,
Plot No.55, Opp. SKF,
Bommasandra Industrial Area,
Hebbogodi, Attibele Hiboli, Anekal Taluk,
Bengaluru Urban District-560 099.
PH: +91 98947 90007.
Email: shaekar@gmail.com

To

1. Karnataka State Pollution Control Board,
Through the Chairman,
"Parisara Bhavan", No. 49, Church Street,
Bengaluru- 560 001.
Email: ms@kspcb.gov.in
PH: 080-25589112
2. The Environmental Officer,
Third Floor, "Nisarga Bhavana", Thimaiah Main Road, 7th 'D' Main,
3rd Stage, 2nd Block, Shivanagar, Opp Pushpanjali Theatre,
Basaveshwaranagar, Bengaluru-560079.
PH: 080-23230153
Email: sarjapura@kspcb.gov.in

Sir/Mam,

Subject: Request to re-examine the penalty calculation levied for M/s. Ananda Motors as per Hon'ble National Green Tribunal, Southern Zone Interim order- Reg

- Ref:**
1. Penalty order No. PCB/BO-SO/EC/2024/1348 dated 05.01.2024.
 2. Appeal No. 34 of 2024(SZ) National Green Tribunal order dated 05.06.2025
 3. KSPCB Consent Order No.AW-121232 dated 15.10.2022

2

With reference to the above cited, we have been levied with a Environmental compensation of Rs.50,15,625/- vide order No.PCB/BO-SO/EC/2024/1348 dated 05.01.2024.

1. Aggrieved by the same, we have preferred an appeal against the penalty order in Appeal No. 34 of 2024 (SZ) before the Hon'ble National Green Tribunal, Southern Zone, Chennai.
2. It is to be noted that there is an error in penalty calculation, reiterating the erred penalty calculation for reference;

$$EC = PI * N * R * S * LF$$

$$EC = 50 * 535 * 250 * 0.5 * 1.5 = 50,15,625/-$$

3. It is submitted that, upon hearing the appeal for a while, the Hon'ble Tribunal observed the penalty order is incorrect that the Consent was granted under "**GREEN CATEGORY**" but in the penalty order industrial unit category was wrongly classified as "**Orange category**" **instead of "Green Category"**.
4. Also, the period of penalty is wrong, it is been mentioned as 535 days from 14.08.2018 to 31.01.2020 which is baseless. It is pertinent to note that, the closure directions were issued vide order No.PCB/03/ENF/SEO(NEIA)/Closure order (WPC)/2019-2020/95 dated 08.05.2019 as this would be the starting date of violation and it ended on 12.09.2019 based on Revocation of closure directions vide order No.PCB/03/ENF/SEO(NEIA)/Revocation order (WPC)/2019-2020/695. **Hence, the actual period of violation starts from 08.05.2019 to 12.09.2019 totalling 128 days.**
5. Hence, based on the above discussions the appropriate calculation is iterated as follows;

$$PI = 30 \text{ (Green Category instead of Orange category)}$$

$$N = 128 \text{ days (08.05.2019 to 12.09.2019)}$$

$$R = 250$$

$$S = 0.5$$

$$LF = 1.5$$

$$EC = 30 * 128 * 250 * 0.5 * 1.5 = 7,20,000/-$$

Therefore, it is requested your good office to modify the penalty order and do the needful at the earliest. Hence, the Hon'ble Tribunal directed to

3

report this compliance before the next date of hearing scheduled on 01.08.2025.

Enclosed:

1. Penalty order dated 05.01.2024
2. Appeal No. 34 of 2024(SZ) order dated 05.06.2025.

Thank you.

Regards,

(M/s Anand Motors)

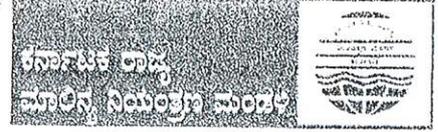


4

Karnataka State Pollution Control Board
Regional Office : Sarjapura

"Nisarga Bhavan" 3rd Floor, Thimmaiah Road,
7th 'D' Main Road, Shivnagar, Bangalore - 560 010.
Telephone : 080-23230153
Email : sarjapura@kspcb.gov.in

ಕರ್ನಾಟಕ ಸ್ಥಳೀಯ ಮಲಮಲಿ ನಿರ್ವಹಣಾ ಮಂಡಳಿ
ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ : ಸರ್ಜಾಪುರ
"ನಿಸರ್ಗ ಭವನ" 3ನೇ ಮಹಡಿ, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,
7ನೇ 'ಡಿ' ಮುಖ್ಯರಸ್ತೆ, ಶಿವನಗರ,
ಬೆಂಗಳೂರು-560 010. ದೂ. : 080-23230153
ಇ-ಮೇಲ್ : sarjapura@kspcb.gov.in



towards a cleaner Karnataka

No. PCB/BO-SO/EC/2024/
To,

1348.

//By RFAD//

Date: 05 JAN 2024

The Occupier
M/s. Anand Motors,
Plot No. 55, Opp. SKF,
Bommasandra Industrial Area,
Hebbogodi, Attibele Hboli, Anekal Taluk,
Bengaluru Urban District - 560099

Sir,

Sub: Levying Environment Compensation to M/s. Anand Motors, Plot No. 55, Opp. SKF,
Bommasandra Industrial Area, Hebbogodi, Attibele Hboli, Anekal Taluk, Bengaluru Urban
District - reg.

- Ref: 1. Demand note for Environmental compensation levied to industry by this office on 31-01-2020
2. Order of Hon'ble NGT Principal Bench, New Delhi dated 29.08.2022 in OA No.1038/2018.
3. Proceedings of the meeting in respect of OA No. 324 of 2021 of Hon'ble NGT chaired by Chief
Secretary, GOK
4. Meeting held with Member Secretary, KSPCB on 18.05.2023.
5. Board Office memo dated 07-06-2023
6. Board Office legal opinion dated 12-06-2023
7. This office letter dated 13-07-2023
8. This office letter dated 13-10-2023 and 23-11-2023

With reference to the above subject, it is to be informed that, this office has issued demand notice for Rs. 25,00,000/- (Twenty five lakhs only) as an interim EC of for the non-compliances as per the Hon'ble NGT order vide letter cited at ref (1).

Hon'ble NGT Principal Bench in O.A No. 1038/2018 dated 29.08.2022 has passed the order as cited above in ref (2) and directed the SPCB's to implement the order. Further, in the proceedings of the meeting Chaired by Chief Secretary, GOK in respect of NGT - Principal Bench *Suo-moto* case OA No. 324 of 2021, GOK has taken decision to impose EC for the polluting industries for the past violations vide letter cited at ref (3).

In the mean time, Board legal advisor committee has given opinion to levy environmental compensation as per guidelines issued by the CPCB vide letter cited at ref (6). Accordingly, EC has been calculated by using the CPCB guidelines and industry has been informed to pay EC of Rs. 75,09,375/- by considering the violations period from 14-08-2018 to 08-05-2019 i.e., 267days vide letter cited at ref (7).

As per the EC order issued to industry vide letter cited at ref (1), the violation period of the industry has been mentioned from 14-08-2018 to 31-01-2020, but, the EC has been calculated for the period from 14-08-2018 to 08-05-2019 by the oversight vide letter cited at ref (7). In view of this, the revised EC has been calculated as per the CPCB guidelines as follows:--

$$EC = PI \times N \times R \times S \times LF$$

EC = Environmental compensation (in Rs)

PI = Pollution Index of industrial sector

5

N = Number of days of violation took place
R = A factor in Rupees for Environmental compensation
S = Factor for scale of operation
LF = Location factor

Note

- PI Shall be calculated, based on the prescribed scoring methodology given in CPCB document, wherever the PI score is not available. It was suggested that, the average pollution index of 80, 50 and 30 may be taken for calculating the environmental compensation for Red, Orange and Green categories of industries respectively.
- N = 535 days (for the period from 14-08-2018 to 31-01-2020)
- R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the environmental compensation in cases of violation.
- S could be based on small/medium/large industry categorization or volume of effluent discharge per day / fuel consumed per day with variable weight age shall be 0.5 for micro or SSI units, 1.0 for medium and 1.5 for large units.
- LF could be 1.5 for the units located in critically polluted areas/ecologically sensitive areas/ proximity to large habitations. The scope if LF will be examined further for listing ecologically sensitive areas and proximity to large habitations.

Hence, the EC = $50 \times 535 \times 250 \times 0.5 \times 1.5$ (Critically polluted area) = Rs. 50,15,625/-.

Further, the demand note issued to the industry vide this office letter cited at ref (7 & 8) is null and void.

Therefore, industry is hereby informed to pay EC of Rs. Rs. 50,15,625/- within 15 days from the date of receipt of this demand note, failing which, action deemed fit shall be initiated as per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 without prior intimation. The EC shall be paid to the following Board account number:--

Beneficiary name	Member Secretary, KSPCB
Bank Name	Union Bank of India
A/C No.	520141001695150
IFSC code	UBIN0903418
Branch name	MG Road

The receipt of this letter may please be acknowledged.

Yours faithfully

P. J. J.
ENVIRONMENTAL OFFICER
RO - SARJAPURA (BENGALURU)

6

Item No.09:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

[Through Physical Hearing (Hybrid Option)]

Appeal No.34 of 2024 (SZ)

IN THE MATTER OF:

M/s. Ananda Motors,
Bengaluru.

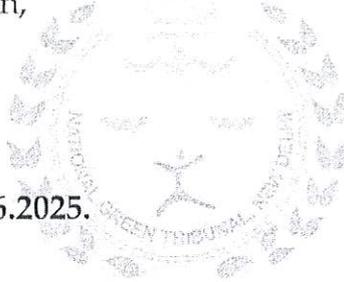
...Appellant (s)

With

Karnataka State Pollution Control Board,
Through the Chairman,
Bengaluru and Anr.

...Respondent(s)

Date of hearing: 05.06.2025.



CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Appellant (s): Mr. G. Vignesh.

For Respondent(s): Ms. Krishika representefd
Mr. Mahesh Chowdary for R1 & R2.

7

ORDER

1. Today, the learned counsel for the appellant submitted that, prima facie, the calculation made by the Karnataka State Pollution Control Board (KSPCB) appears to be incorrect for two primary reasons:

- i. The industrial unit in question falls under the 'Green Category', for which the pollution index should be 30 when computing the penalty. However, the impugned order erroneously treats it as falling under the 'Orange Category', applying a pollution index of 50.
- ii. The penalty has been calculated for the period from 14.08.2018 to 31.01.2020, which includes the closure period from 08.05.2019 to 12.09.2019. The impugned order does not clarify whether this closure period has been excluded. Furthermore, if the Karnataka SPCB permitted the unit to operate after the revocation of the closure order and there was no resulting pollution, that period should also be excluded from the calculation.

2. Accordingly, we direct the appellant to approach the Karnataka SPCB, which shall re-examine the calculation and determine the correct penalty amount. If the revised amount is acceptable to the appellant, it may be paid and report to this Tribunal on the next date of hearing.

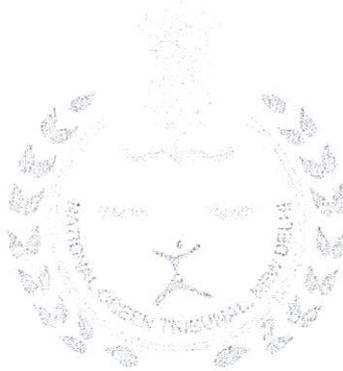
8

3. Post the matter on 01.08.2025 for final hearing.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

Appeal No.34/2024 (SZ),
05th June, 2025. AD.



9

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* Ref Number

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Date	Time	Country	Location	Event Type	Mail Category	Next Office	Remarks
09-07-2025	22:25:56		Basaveshwaranagar S.O	Item Delivered			
09-07-2025	14:18:20		Basaveshwaranagar S.O	Item Invoiced			
09-07-2025	11:14:42		Bengaluru City TMO	Item Dispatched			
09-07-2025	08:19:24		Bengaluru NSH	Item Dispatched			
09-07-2025	07:12:44		Bengaluru NSH	Item Bagged			
09-07-2025	05:44:42		Bengaluru City TMO	Item Dispatched			
09-07-2025	02:49:24		Bengaluru NSH	Item Dispatched			
09-07-2025	02:30:10		Bengaluru City TMO	Item Dispatched			
09-07-2025	01:42:44		Bengaluru NSH	Item Bagged			
08-07-2025	21:16:50		Bommanahalli S.O Bengaluru	Item Dispatched			
08-07-2025	21:07:28		Bommanahalli S.O Bengaluru	Item Bagged			
08-07-2025	21:00:10		Bengaluru City TMO	Item Dispatched			
08-07-2025	18:46:09		Bommanahalli S.O Bengaluru	Item Booked			

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10

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* Ref Number

Event Details For : RK585754966IN

Current Status : Item Delivered

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09-07-2025	21:37:17		Bengaluru G.P.O.	Item Delivered			
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09-07-2025	11:47:28		Bengaluru City TMO	Item Dispatched			
09-07-2025	08:11:56		Bengaluru NSH	Item Dispatched			
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08-07-2025	21:00:10		Bengaluru City TMO	Item Dispatched			
08-07-2025	18:46:09		Bommanahalli S.O Bengaluru	Item Booked			

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

APPEAL NO. 34 OF 2024 (SZ)

IN THE MATTER OF:

M/S. ANANDA MOTORS

....APPELLANT

Versus

**KARNATAKA STATE POLLUTION
CONTROL**

BOARD AND ORS RESPONDENTS

**MEMO FILED BY THE COUNSEL FOR
APPELLANT**

M/s. E.K. KUMARESAN

G. VIGNESH

COUNSEL FOR APPELLANT

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Esplanade, Chennai - 600 108.

Cell No: 9597435955