

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

APPEAL No. 78 OF 2022 (SZ)

IN THE MATTER OF:

M/s. Aadeshwar Traders,
Rangareddy District

....

Appellant (s)

Versus

The Telangana State Pollution Control Board,
rep by its Member Secretary,
Hyderabad & Others

....

Respondent(s)

REPORT OF THE TELANGANA POLLUTION CONTROL BOARD (R1)

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Place: Hyderabad.

Date: 17-08-2024.



COUNSEL FOR THE RESPONDENT (R1)

REPORT OF THE TELANGANA POLLUTION CONTROL BOARD (TGPCB)
DATED 16-08-2024 IN APPEAL No. 78 OF 2022 FILED BY
M/s.AADESHWAR TRADERS, RANGAREDDY DISTRICT

M/s. Aadeshwar Traders (Formerly Vensai Metals), Sy.No.115, Vattinagulapally (V), Gandipet (M), Rangareddy District representative by its Managing Partner Sri.Y.G.Ravi Teja Reddy has filed an Appeal No. 78 of 2022 before the Hon'ble NGT, South Bench against the orders dated 12.11.2022 issued by the Board imposing Environmental Compensation of Rs.49,30,000/- .

It is to submit that earlier the Board has filed reports on 23.03.2023, 19.07.2023, 17.02.2024 & 29.04.2024.

In this regard the following is submitted:

1. The Hon'ble NGT vide order dated 03.01.2023 in Appeal No. 78 of 2022 stated following:

"As interim order is not sought for to show the bonafide, let the appellant deposit 50% of the environmental compensation awarded with the Telangana State Pollution Control Board within a period of 8 (Eight) weeks, failing which, the stay granted would automatically be vacated without further reference to this Tribunal."

2. The Board issued notice dated 10.01.2023 and directions dated 10.02.2023 to the appellant crushing unit with a direction to deposit 50% of Environmental Compensation within 8 weeks from the date of the order of the Hon'ble NGT Order dated 03.01.2023 in the Environmental Compensation fund account bearing No.39271613872, SBI Bank, Hyderabad.
3. In compliance with the Hon'ble NGT Order dated 03.01.2023, the Appellant Industry has deposited Rs.24,65,000/- i.e., 50% of total amount Rs.49,30,000/- into the Environmental Compensation fund account on 03.03.2023 i.e., within 8 weeks from the Hon'ble NGT Orders.

The Hon'ble NGT vide order dated 30.04.2024 ordered as follows:

"....."

5. It is also to be noted that the request of the Project Proponent for a grant of Consent to Operate for a period of four months was also declined by the Telangana SPCB. In such circumstances, if the unit is operating without consent, it is absolutely illegal, for which, the Telangana SPCB is directed to take immediate action and levy appropriate penalties and compensation.

6. Since the Telangana SPCB has reported that the unit is operating illegally, the stay granted by this Tribunal earlier on 03.01.2023 is vacated and it is open to the Telangana SPCB to recover the amount.

7. Post the matter on 16.07.2024”.

In compliance to the orders dated 30.04.2024, the Board has issued notice to the M/s Aadeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals), Vattinagulapally(V), Gandipet(M), Rangareddy District on 25.05.2024 directing to deposit remaining 50% of the environmental compensation (i.e., Rs.24,65,000/-) to the TGPCB Environmental Compensation fund immediately as per Hon'ble NGT order **(Annexure-I)**. However, the crusher has not paid the same till date and filed Writ petitions before the High Court for the State of Telangana.

Further, the following cases are filed before the High Court filed by M/s.Aadeshwar Traders:-

1. WP.No.10594 of 2024

M/s. Aadeshwar Traders has filed a writ petition with a prayer “to issue a declaring the action of the Respondent Board in not considering our representation dated 05.04.2024 seeking permission for carrying out eco friendly crushing activity of existing boulders situated at Sy. No.115, Vatingullapally Village , Gandipet Mandal, Rangareddy District for a period of six months”.

The Hon'ble High Court vide order dated 23.04.2024 **(Annexure-II)** had disposed of the case “with a direction to competent authority i.e., Environmental Engineer, Telangana State Pollution Control Board, Hyderabad to take a decision on representation dated 05.04.2024 within one (01) week from today”.

In compliance to the Hon'ble High Court order, the Board has considered the representation of the industry and communicated a reply to the industry **(Annexure-III)**.

2. WP.No.13013 of 2024.

The Petitioner industry has filed Writ Petition No. 13013 of 2024 before the Hon'ble High Court with a prayer to set aside letter issued by the Board on 27.04.2024, intimating not consideration of the request of petitioner for issue of license to operate for 4 months.

The Hon'ble High Court vide Order dated 04.06.2024 disposed the Writ Petition Ordering as follows: -

- 1. None for the petitioner even when the matter is taken up in the second round.**

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2. It appears that the petitioner is not interested in prosecuting the Writ Petition.

3. The Writ Petition is, therefore, dismissed for want of prosecution”.

3. IA No. 2 of 2024 in WP No. 13013 of 2024:

M/s. Aadeshwar Traders has filed IA No.2 of 2024 seeking restoration W.P.No.13013 of 2024 and the Hon'ble High Court vide order dated 26.07.2024 ordered as follows: -

“I.A.No.2 of 2024, Mr.N.Gangadhar, Learned Counsel for the Petitioner.

Mr.A.Vishnu Vardhana Reddy, Learned Standing Counsel for the Telangana State Pollution Control Board for the respondents No.2 and 3.

Heard on I.A.No.2 of 2024, an application seeking restoration of the writ petition, namely W.P.No.13013 of 2024.

For the reasons assigned in the application duly supported by an affidavit, the order dated 04.06.2024 is hereby recalled and W.P.No.13013 of 2024 is restored to file.

Accordingly, I.A.No.2 of 2024 is allowed”.

Present Status of the case:

The Hon'ble NGT, Chennai vide order dated 16.07.2024 in Appeal No. 78 of 2022 has ordered as follows:

“

1. Today, there is no representation for the appellant.

2. It is stated by the learned counsel appearing for the Telangana State Pollution Control Board that despite the penalty levied, the unit continues to operate without consent.

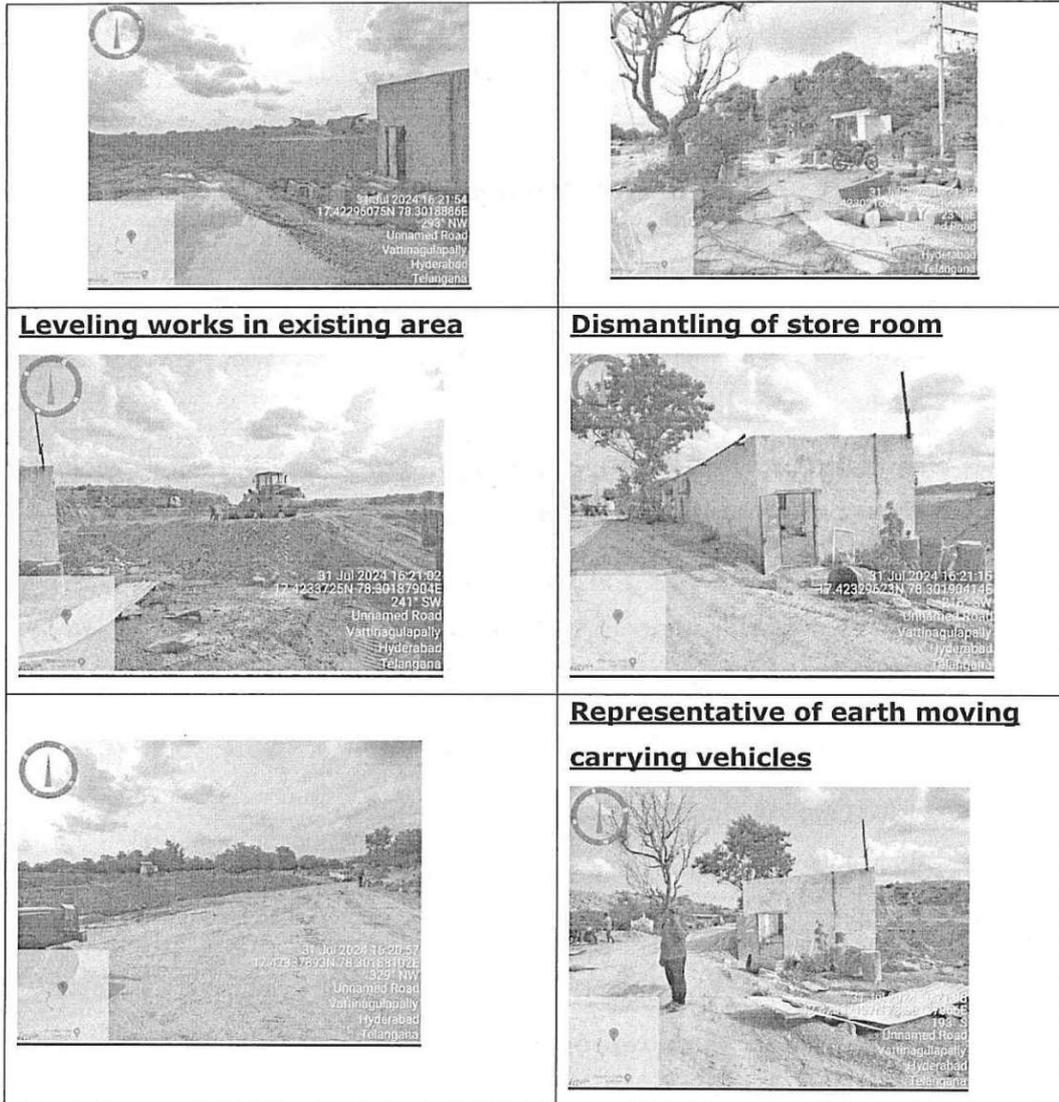
3. Hence, the Telangana State Pollution Control Board is directed to stop the operation of the unit forthwith and file a report before the date of next hearing, including the assessment of damages.

4. Post the matter on 19.08.2024 for final hearing”.

In compliance to the Hon'ble NGT orders dated 16.07.2024, the Board officials have inspected the premises of M/s. Aadeshwar Traders on 31.07.2024 and observed the following:

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1. The entire crusher and its units were removed and site leveling works with bulldozers and earth moving vehicles were observed during the inspection.
2. Sri Srinivas, representative of earth moving carrying vehicles was present and informed that they are leveling the site with gravel to hand over the site to the owner.



The status of petitioner industry was reviewed before the Task Force Committee of the Board on 13.08.2024. The industry representative has not attended the meeting. After detailed discussions, the Committee recommended to address a letter to District Collector, Rangareddy for Recovery of Environmental Compensation under Revenue Recovery Act. Accordingly a letter was addressed to District Collector on 14.08.2024. **(Annexure-IV).**

Date: 16-08-2024

Place: Hyderabad


ENVIRONMENTAL ENGINEER
ENVIRONMENTAL ENGINEER
Telangana Pollution Control Board,
Regional Office, Rangareddy.

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TELANGANA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE - I, RANGAREDDY DISTRICT
 H.No.6-3-1219, Block C, Ward No.91, 2nd Floor, Backside of Country
 Club, Kundanbagh, Umanagar, Begumpet, Hyderabad - 500016.

Environmental Engineer

Email: ee-rr1-tspcb@telangana.gov.in

Lr.No.App.78 of 2022/TSPCB/RO-RR1/2024- 256Date: 25.05.2024NOTICE

Sub: TSPCB – RO, RRD – M/s Aadeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals), Vattinagulapally(V), Gandipet(M), Rangareddy District – Appeal No. 78 of 2022 in Hon'ble NGT - Payment of Environmental compensation as per Hon'ble NGT orders- NOTICE- Reg.

- Ref:
1. OA No.6 of 2022 filed by Sri P.V.Subramanya Varma, S/o. Sri Achuta Ramaraju, R/o. Khairathabad, Hyderabad in Hon'ble NGT.
 2. Hon'ble NGT Orders in OA No.6 of 2022 dated 17.01.2022 & 14.10.2022.
 3. Environmental Compensation orders dated: 09.11.2022
 4. Revised Environmental Compensation orders dated: 12.11.2022
 5. Appeal No. 78 of 2022 in Hon'ble NGT by M/s Aadeshwar Traders, Rangareddy District.
 6. Hon'ble NGT Orders Dt.03.01.2023.
 7. Hon'ble NGT Orders Dt.30.04.2024.

* * *

WHEREAS, you are operating a crusher in the name of M/s Aadeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals), Vattinagulapally(V), Gandipet(M), Rangareddy District.

WHEREAS, pursuant to the Hon'ble NGT Orders in OA No.6 of 2022 filed by Sri P.V.Subramanya Varma, S/o. Sri Achuta Ramaraju, R/o. Khairathabad, Hyderabad, the Board, vide reference 4th cited, has issued directions levying Environmental compensation of Rs.49,30,000/- to the M/s Aadeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals), Vattinagulapally(V), Gandipet(M), Rangareddy District.

WHEREAS, M/s Aadeshwar Traders, Rangareddy District, vide reference 5th cited, has appealed against the Board's Direction Dt.12.11.2022 through Appeal No. 78 of 2022 in Hon'ble NGT, Chennai. The Hon'ble NGT in its order Dt.03.01.2023 stated following:

"As interim order is not sought for to show the bonafide, let the appellant deposit 50% of the environmental compensation awarded with the Telangana State Pollution Control Board within a period of 8 (Eight) weeks, failing which, the stay granted would automatically be vacated without further reference to this Tribunal.

WHEREAS, in compliance with the Hon'ble NGT Order dated 03.01.2023, the M/s Aadeshwar Traders has deposited Rs.24,65,000/- i.e., 50% of total amount Rs.49,30,000/- into the Environmental Compensation fund of TGPCB on 03.03.2023.

Za Far Khan (Signature)
 2/6/24
 9175566449



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WHEREAS, in subsequent hearing of appeal, Hon'ble NGT, Chennai in its order Dt.30.04.2024 stated following:

"Since the Telangana SPCB has reported that the unit is operating illegally, the stay granted by this Tribunal earlier on 03.01.2023 is vacated and it is open to the Telangana SPCB to recover the amount."

In this regard, you are hereby directed to deposit remaining 50% of the environmental compensation(i.e Rs.24,65,000/-) to the TGPCB Environmental Compensation fund immediately as per Hon'ble NGT order.


ENVIRONMENTAL ENGINEER
ENVIRONMENTAL ENGINEER
Telangana State POLLUTION CONTROL
BOARD REGIONAL OFFICE - 1,
RANGA REDDY DISTRICT.

To
M/s Aadeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals),
Vattinagulapally(V),
Gandipet(M),
Rangareddy District

Copy submitted to the Member Secretary, Board Office, Hyderabad for information.
Copy submitted to the JCEE (Legal), Board Office, Hyderabad for information
Copy submitted to the JCEE, Zonal Office, Begumpet, Hyderabad for information.

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THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION No.10594 of 2024

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. S.Ashok Anand Kumar, learned Senior Counsel representing Mr. N.Gangadhar, learned counsel for the petitioner.

Mr. E.Ramesh Chandra Goud, learned Government Pleader for Environment, Science & Technology Department for respondent No.1.

Mr. A.Vishnu Vardhana Reddy, learned Standing Counsel for Telangana State Pollution Control Board for respondent Nos.2 and 3.

Mr. Mahesh Raje, learned Government Pleader for Mines & Geology Department for respondent No.4.

2. With consent of learned counsel for the parties, the Writ Petition is heard finally.



3. In this writ petition, the grievance of the petitioner pertains to inaction on the part of Telangana State Pollution Control Board in considering the representation dated 05.04.2024 seeking permission to carry out eco-friendly crushing activity of existing boulders situated at Survey No.115, Vattinagulapally Village, Gandipet Mandal, Ranga Reddy District for a period of six months.

4. Learned Senior Counsel for the petitioner submitted that the petitioner is a registered partnership firm which carries on the business of stone crushing in the land measuring Ac. 6.00 guntas in Survey No.115, situated at Vattinagulapally Village, Gandipet Mandal, Ranga Reddy District. It is further submitted that the petitioner had submitted a representation on 05.04.2024. However, the aforesaid representation has not evoked any response. It is further submitted that the writ petition be disposed of with the direction to the Telangana State Pollution Control Board to take an appropriate action on the representation dated 05.04.2024 within a fixed time limit.



5. Learned Standing Counsel for Telangana State Pollution Control Board on instructions submits that suitable action in accordance with law on the representation dated 05.04.2024 shall be taken.

6. In view of submissions made and in the facts of the case, the Writ Petition is disposed of with a direction to competent authority i.e., Environmental Engineer, Telangana State Pollution Control Board, Hyderabad to take a decision on representation dated 05.04.2024 within one (01) week from today.

As a sequel, miscellaneous petitions, pending if any, stand closed. There shall be no order as to costs.

ALOK ARADHE, CJ

ANIL KUMAR JUKANTI, J

Date: 23.04.2024
KL

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TELANGANA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, RANGAREDDY DISTRICT
 # 6-3-1219, 3rd Floor, Block C, Ward No.91, Near Country Club,
 Kundanbagh, Umanagar, Begumpet, Hyderabad – 37

Environmental Engineer

Email:ee-rr1-tspcb@telangana.gov.in

Lr.No.83/GDP/PCB/RO-RRD/CFO/2024- 127Date:27-04-2024

Sub: - TSPCB, RO-RRD – CFO - **M/s. Aadeshwar Traders (formerly M/s. Vensai Metals / M/s.Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District** – Request for approval to operate the unit for a time period of 4 months to recycle the untouched stone boulders - **Not Considered** - Reg.

- Ref: -**
1. G.O.No.111 M.A., dated: 08.03.1996.
 2. G.O MS.No.470 Dt.09.07.2008 of MA&UD Dept.
 3. G.O MS.No.20 Dt.01.03.2013 of Industries & Commerce Dept.
 4. G.O MS.No.4 Dt.20.01.2018 of Industries & Commerce Dept.
 5. O.A No. 6 of 2022 filed by P.V. Subramanyam in Hon'ble NGT, Chennai.
 6. CFE Application dt.22.02.2020.
 7. TSPC Appellate Authority Order, dt:11.07.2023 in Appeal No.09 of 2023.
 8. CFE Application Returned dated 23.08.2023
 9. Industry representation, dt:28.12.2023.
 10. T.O.Lr dated 06.01.2024
 11. Industry's representation dated 05.04.2024 received by this office on 22.04.2024.
 12. Hon'ble High court orders Dt.23.04.2024 in W.P No.10594 of 2024.

It is to inform that, vide reference 11th cited, the Board has received a representation from M/s. Aadeshwar Traders (formerly M/s. Vensai Metals / M/s.Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District requesting approval to operate the unit for a time period of 4 months to recycle the untouched stone boulders.

In this regard, it is to inform that, the MA&UD Dept., Govt. of A.P. vide G.O.No.111 M.A., dated: 08.03.1996, issued notification "to prohibit polluting industries within 10 kms radius (ie., both on upstream and downstream side of the Himayatsagar & Osmansagar Lakes and there shall be total prohibition of location of industries in the prohibited zone upto 10 km from the Full tank level of lakes" i.e. Himayathsagar & Osmansagar lakes.

Subsequently, the Hon'ble Supreme Court of India in W.P.No. 368-373 of 1999 issued Directions vide order dated: 01.12.2000, stating that the State & the Board shall not permit industries within 10 km radius of Himayathsagar & Osmansagar lakes.

The erstwhile A.P. Pollution Control Board had issued a Circular Memo No.10/PCB/CFE/RO&ZO/2000-86, dated 19.04.2001, directing the Regional Office of the Board not to accept any application of the industries which falls in the 10 Kms radius of Himayathsagar & Osmansagar lakes.

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M/s. Aadeshwar Traders (formerly M/s. Vensai Metals / M/s.Prasad Metals) is located at Vattinagulapally (V), Gandipet (M), Rangareddy District which falls within 10 km radius of Himayathsagar & Osmansagar lakes.

The MA&UD Dept, Govt of AP, vide reference 2nd cited, has issued G.O MS.No.470 Dt.09.07.2008 declaring Special Development Regulations for Hyderabad Outer Ring Road (ORR) Growth Corridor (1 Km on the either side of the ORR) which states that "no expansion of existing industries and no new industries are permitted in the 1 Km on the either side of the ORR". M/s. Aadeshwar Traders, Vattinagulapally (V), Gandipet (M), Rangareddy District stone crusher falls within the 1 KM of the ORR.

The Industries & Commerce Dept, vide reference 3rd & 4th cited, has issued G.O MS.No.20 Dt.01.03.2013 for shifting of the polluting industries outside the ORR. Further, G.O Ms No.4, Dt:20.01.2018 was issued as an amendment to GO Ms No.20 exempting certain Orange & Red category industries within the ORR. However, the line of activity of Stone crushing is not exempted within the ORR vide G.O Ms.No.4 Dt.20.01.2018.

Earlier, vide reference 6th cited, the industry has filed a CFE application for M/s. Aadeshwar Traders (formerly M/s. Vensai Metals / M/s.Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District through TS-iPASS for establishment of Stone Crushing unit and the same was returned, in view of the Board circular Memo, dated 19.04.2001, as it falls in the Catchment area of Himayathsagar and Osmansagar lakes.

Aggrieved by the decision for returning the CFE application of by the Board, M/s. Aadeshwar Traders (formerly M/s. Vensai Metals / M/s.Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District filed an Appeal No.9 of 2023 before the Hon'ble Telangana State Pollution Control Appellate Authority and the Authority disposed the Appeal vide order dated: 11.07.2023 cited in reference 7th cited, directing the Board for fresh consideration of the application of in accordance with law. Subsequently, vide reference 8th cited this office not considered the CFE application duly mentioning the reasons.

Vide reference 9th cited, the industry has again requested the Board to consider CFO to their unit to accommodate captive needs of the companies near the unit. The Board, vide reference 10th cited, has not considered the request of the industry duly mentioning the reasons.

Vide reference 11th cited, the industry has again submitted a representation dated 05.04.2024 received by this office on 22.04.2024 requesting the Board to grant pollution control approvals to their unit for a time period of 4 months to recycle the untouched stone boulders due to non operation of the unit and to shift unit to another place.

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Further, the proponent also filed a Writ Petition No.10594 of 2024 before the Hon'ble High Court of Telangana for not considering their representation dated: 05.04.2024 submitted to the Board. The Hon'ble High Court has disposed the Writ Petition vide order Dt.23.04.2024, directing this office to take decision on representation dated 05.04.2024 within One week.

In view of the above, after careful scrutiny of the material facts of the issue in detail, the representation of the industry is herewith **Not Considered** for the following reasons:

1. The MA&UD Dept, Govt. of A.P. vide G.O.No.111 M.A., dated: 08.03.1996, issued notification "to prohibit polluting industries within 10 kms radius (ie., both on upstream and downstream side of the Himayatsagar & Osmansagar Lakes and there shall be total prohibition of location of industries in the prohibited zone upto 10 km from the Full tank level of lakes" i.e. Himayathsagar & Osmansagar lakes. The industry falls within 10 km radius of Himayathsagar & Osmansagar lakes and the village Vattinagulapally is listed in 84 catchment villages in the G.O.No.111 M.A., dated: 08.03.1996.
2. The Industries & Commerce Dept, vide reference 3rd& 4th cited, has issued G.O MS.No.20 Dt.01.03.2013 for shifting of the polluting industries outside the ORR. Further, G.O Ms No.4, Dt:20.01.2018 was issued as an amendment to GO Ms No.20 exempting certain Orange & Red category industries within the ORR. However, the line of activity of Stone crushing is not exempted within the ORR vide G.O Ms.No.4 Dt.20.01.2018 & the crusher falls with ORR.
3. The MA&UD dept, Govt of AP, vide reference 2nd cited, has issued G.O MS.No.470 Dt.09.07.2008 declaring Special Development Regulations for Hyderabad Outer Ring Road Growth Corridor (1 Km on the either side of the ORR) which states that "no expansion of existing industries and no new industries are permitted in the 1 Km on the either side of the ORR". The stone crusher falls within the 1 Km of the ORR.
4. The Board has issued closure orders to the crusher unit on 22.08.2019 for operating without obtaining CFE/CFO of the Board. However, the crusher was observed operated disobeying the Closure order issued.
5. The Hon'ble NGT, Southern Bench is reviewing the status of Crushers located in 10 km radius of Himayathsagar & Osmansagar lakes in O.A No.6 of 2022 and directed TSPCB to take necessary action against unauthorized crushers operating in the 10 km radius of Himayathsagar & Osmansagar lakes which include M/s. Aadeshwar Traders (formerly M/s. Vensai Metals / M/s.Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District. In pursuant to the Hon'ble NGT orders, the Board has levied Environmental Compensation and also seized the crusher on 28.01.2022 & 21.10.2022. However, the crusher has tampered the seals and operated illegally. The Board has filed a complaint to the Deputy Commissioner of Police, Madhapur on 12.01.2023 for tampering of seals and the PS Gachibowli has filed charge sheet on

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crusher in the Court of Additional Metropolitan Magistrate, Prashanth Nagar, Kukatpally on 24.06.2023.

6. M/s. Aadeshwar Traders has filed an Appeal No. 78 of 2022 before the Hon'ble NGT, South Bench, Chennai against the orders dated 12.11.2022 issued by the Board imposing Environmental Compensation of Rs.49,30,000/- The Hon'ble NGT vide Order dated 03.01.2023 has directed the Appellant industry to deposit 50% of the amount. Accordingly, the appellant industry has deposited Rs.24,65,000/- i.e., 50% of total amount Rs.49,30,000/- as per the directions of the Hon'ble NGT. The case is under adjudication before the Hon'ble NGT, Chennai.
7. In follow-up to the orders of the Hon'ble NGT, the Board has reviewed the status of crusher before the Taskforce Committee meeting held on 16.08.2023. As per recommendations of the task force committee, the Board dismantled the crusher initially on 25.08.2023. However, the proponent has reinstalled the crusher violating Board's orders.
8. The Board has issued directions to the crusher on 25.11.2023 to completely dismantle the crusher within 15 days. However, the proponent has not removed crusher. Subsequently, the Board has again dismantled the crusher on 10.02.2024 and on the same day the Mines and Geology department also removed the conveyer belts of the Crusher.
9. The above indicates repeated violations of the environmental laws, disobedience of Hon'ble NGT orders in O.A. No.6 of 2022 & non-compliance of the closure orders & directions issued by the Board.

You may also note that there shall not be any activity without obtaining CFE/CFO of the Board, as required under Sec. 25/26 of Water Act and 21/22 of Air Act, which is punishable under section 44 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 37 of the Air (Prevention and Control of Pollution) Act, 1981.

To

**M/s. Aadeshwar Traders
(formerly M/s. Vensai Metals / M/s. Prasad Metals),
Vattinagulapally (V), Gandipet (M),
Rangareddy District**

Copy to

**M/s Aadeshwar Traders,
Plot No.14, Maheshwari Nagar, Bharat Nagar Colony,
Hyderabad – 500018.**


ENVIRONMENTAL ENGINEER
MC
ENVIRONMENTAL ENGINEER
Telangana State POLLUTION CONTROL
BOARD REGIONAL OFFICE - 1,
RANGAREDDY DISTRICT

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TELANGANA POLLUTION CONTROL BOARD
ZONAL OFFICE: HYDERABAD

H.No.6-3-1219, TS No.1 Part, Block - C, Ward No.91,
 Near Country Club, Uma Nagar, Begumpet, Hyderabad
 Email: jcee-zhyd-tspcb@telangana.gov.in

Lr. No. 15-Gen/RR-I/TGPCB/ZO-HYD/2024- 764

Date: 14.08.2024

To
 The District Collector & Magistrate,
 Rangareddy District,

Sir,

Sub: TGPCB - Zonal Office, Hyderabad – M/s. Adeshwar Traders (formerly M/s. Vensai Metals / M/s. Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District - Hon'ble NGT orders for levy of Environmental Compensation in O.A No. 6 of 2022 (SZ) - Stone Crushing Units existing in 10 Km Radius of Osmansagar & Himayathsagar Lakes & Non Compliance of the orders issued by the Board on 12.11.2022 with regard to Levying of Environmental Compensation – **Non-payment of EC - Recovery of Environmental Compensation under Revenue Recovery Act - Requested- Reg.**

Ref:

1. OA No.6 of 2022 filed by Sri P.V.Subramanya Varma, S/o. Sri Achuta Ramaraju, R/o. Khairathabad, Hyderabad in Hon'ble NGT.
2. Hon'ble NGT Order dated 17.01.2022
3. Inspection of Joint Committee constituted by Hon'ble NGT on 31.03.2022
4. Letter addressed to the District Collector on 27.06.2022 & 01.09.2022
5. Hon'ble NGT Order dated 14.10.2022.
6. The crusher unit seized on 21.10.2022.
7. T.O. Order No.15-RR-I/TGPCB/ZO-HYD/TF/2022-1239, Dated:12.11.2022 levying Environmental Compensation.
8. Appeal No. 78 of 2022 in Hon'ble NGT filed by M/s Aadeshwar Traders, Rangareddy District.
9. Hon'ble NGT Order dt.03.01.2023 in Appeal No. 78 of 2022.
10. T.O. Lr. No. 15-Gen/RR-I/TGPCB/ZO-HYD/2023-1972, Dated 10.02.2023.
11. Dismantling of stone crushers by TGPCB and Mining officials on 10.02.2024.
12. Hon'ble NGT Orders Dt.30.02.2024 Appeal No. 78 of 2022.
13. TGPCB, RO, Rangareddy report dated 21.06.2024 received at ZO on 16.07.2024.
14. Task Force Committee meeting held on 13.08.2024 at TGPCB, Zonal office, Hyderabad.

* * *

An Original Application O.A No 6 of 2022 (SZ) was filed before the Hon'ble NGT, Chennai by Sri. P.V.Subramanya Varma, S/o. P.Achutha Rama Raju, R/o. Hyderabad against illegal and unauthorised stone crusher units operated in GO Ms No.111 area i.e., Vattinagulapally, Kokapet, Gouldoddi, Gopanpally, Kollur, Kotwalguda, Osmansagar villages in Rangareddy & Sangareddy District. The main prayer of the applicant is as follows:

- (A) Restrain Respondent No.15 to 33 (29th respondent is M/s.Sai Balaji Rock Sand Industries) from carrying illegal and unauthorized crushing activities in Rangareddy District and Sangareddy Districts without obtaining Consent from 4th Respondent / Telangana State Pollution Control Board.
- (B) Appoint and expert Committee to conduct surprise inspection on the units run by Respondent Nos.15 to 33 in order to examine the real activity and assess the damage caused to the environment in Rangareddy and Sangareddy Districts of State of Telangana.

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(C) Pass and order or orders as this Hon'ble Tribunal may deem fit and appropriate in the facts and the circumstances of the present application.

- I. Direct the respondent Nos.1 to 14 to initiate stringent action against the respondent Nos. 15 to 33 for an unauthorized and illegal operation of stone crushing activities in Ranga Reddy and Sanga Reddy Districts of State of Telangana without obtaining Consent for Establishment and Consent for Operation from the 4th respondent.
- II. Direct the Respondent Nos. 1 to 14 to demolish / remove all the illegal and unauthorized structures erected by the Respondent Nos. 15 to 33 without obtaining Consent for Establishment and Consent for Operation from the 4th respondent as laid down under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- III. Direct the Respondent Nos. 1 to 14 preventing establishment and operation of the illegal and unauthorized stone crushing units of Districts which is bad in law and contrary to the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and in violation of the fundamental rights guaranteed under Article 21 of the constitution of India and accordingly direct the respondent Nos. 1 to 14 to seize and prevent the operation of the Respondent Nos. 15 to 33.
- IV. Direct the Respondent Nos. 15 to 33 to pay environmental compensation including the cost of restitution of Environment under Section 15 of NGT Act, 2010.
- V. Pass any order or orders as this Hon'ble Tribunal may deem fit and appropriate in the facts and circumstances of the present application.

The Hon'ble NGT vide order dated 17.01.2022 appointed a Joint Committee and directed to impose Environmental Compensation (EC) for the violations committed by them if any, apart from assessing compensation for the damage caused to the environment, including cost required for restoration of the same.

The Joint Committee constituted by the Hon'ble NGT inspected the unit on 31.03.2022 and observed that the power connections to the crushers were disconnected and some crushers were in operation illegally.

The Hon'ble NGT vide Order dated 14.10.2022 directed the Revenue Department and State PCB take appropriate action. Subsequently, the units were seized on 21.10.2022 in co-ordination with Revenue Officials in compliance with the directions issued by the Hon'ble High Court in WP.No.12022 of 2020 & Hon'ble NGT, Chennai in the matter OA No. 06 of 2022.

In compliance with the Hon'ble NGT directions, the Board vide orders dt. 12.11.2022 levied Environmental Compensation on the following stone crushing units existing in 10 kms radius of Himayatsagar and Osmansagar lakes:

Sl.No.	Name and address of the units	Environmental Compensation levied (in Rs.) on 12.11.2022.
1	M/s. Great India Mining (formerly Sebi Mining), Goulidoddi(V), Serilingampally(M), Rangareddy District (Respondent No. 24)	8,45,000/-
2	M/s. Sri Laxmi Narasimha Metal Industries, Vattinagulapally, Gandipet, Rangareddy District (Respondent No. 15)	82,80,000/-
3	M/s. Sri Laxmi Constructions (formerly Raghavendra Stone Crusher), Vattinagulapally (V), Gandipet (M), Rangareddy District (Respondent No. 19)	49,30,000/-

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4	M/s. Hyderabad Rock Sand, Vattinagulapally (V), Gandipet (M), Rangareddy District (Respondent No. 22)	32,50,000/-
5	M/s. Adeshwar Traders (formerly M/s. Vensai Metals / M/s. Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District	49,30,000/-
6	M/s. Teja Reddy Crushers, Vattinagulapally (V), Gandipet (M), Rangareddy District	82,80,000/-
7	M/s. C5 Infra Pvt. Ltd, (Crusher), Vattinagulapally, Gandipet (M), Rangareddy District	8,50,000/-
8	M/s. Unnamed Stone Crusher, located beside Aadeeshwar Aggregates, Vattinagulapally, Gandipet (M), Rangareddy District	8,50,000/-
9	M/s. Shama Metal Supply, Sy.No.7 & 20, Dargha Khaleej Khan Village, Gandipet (M), Rangareddy District.	19,20,000/-
10	M/s. DBR Metal Industry, Kothwalguda, Shamshabad, Rangareddy District (Respondent No. 25)	83,55,000/-
11	M/s. SMI Stone Crusher (Shama Metal Industry), Kothwalguda, Shamshabad, Rangareddy District (Respondent No. 32)	91,25,000/-

The Hon'ble NGT vide order dt.15.11.2022 directed the State PCB as to whether the levy of compensation awarded is recovered.

Subsequently, M/s. Adeshwar Traders (formerly M/s. Vensai Metals / M/s. Prasad Metals), Vattinagulapally (V), Gandipet (M), Rangareddy District filed an appeal No.78 of 2022 before the Hon'ble NGT against the orders issued by the Board for levy of Environmental compensation.

The Hon'ble NGT vide Order dated 03.01.2023 in Appeal No.78 of 2022 directed that " — let the appellant deposit 50% of the environmental compensation awarded with the TGPCB within a period of 8 (eight) weeks, failing which, the stay granted would automatically be vacated without further reference to this Tribunal".

Accordingly, the Board vide letter dated 13.02.2023 directed the industry to deposit 50% of Environmental Compensation to the Board as per directions of Hon'ble NGT within 8 weeks time. In compliance with the Hon'ble NGT Order dated 03.01.2023, M/s. Adeshwar Traders has deposited Rs.24,65,000/- i.e., 50% of total amount Rs.49,30,000/- into the Environmental Compensation fund of TGPCB on 03.03.2023.

The Board vide reference 10th cited requested the District Collector, Rangareddy District to initiate action on the above industries except M/s. Adeshwar Traders which have not deposited EC for recovery of Environmental Compensation under Revenue Recovery Act.

Subsequently, the Board has filed report before Hon'ble NGT, Chennai in the appeal No.78 of 2022 on 17.02.2024 & 29.04.2024. The Hon'ble NGT, Chennai, considering the TGPCB reports has stated in its order Dt.30.04.2024 that

"Since the Telangana SPCB has reported that the unit is operating illegally, the stay granted by this Tribunal earlier on 03.01.2023 is vacated and it is open to the Telangana SPCB to recover the amount."

Pursuant to the Hon'ble NGT orders, the Regional Office, TGPCB, Rangareddy issued notice to M/s. Adeshwar Traders (Formerly M/s. Vensai metals or M/s. Prasad Metals),

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Vattinagulapally(V), Gandipet(M), Rangareddy District on 25.05.2024 directing to deposit remaining 50% of the EC (i.e., Rs.24,65,000/-) to the TGPCB Environmental Compensation fund immediately, as per Hon'ble NGT order. However, the crusher has not paid the same till date.

The industry was issued with notice dated 07.08.2024 for opportunity of hearing before the Taskforce committee at Zonal office, Hyderabad. The issue was reviewed before the Taskforce Committee during the meeting held on 13.08.2024. The industry representatives failed to attend the hearing before the Taskforce committee. After detailed discussions, the committee recommended to address a letter to the District Collector, Rangareddy District for recovery of Environmental Compensation under Revenue Recovery Act.

In view of the above, as per the instructions and in compliance of the Hon'ble NGT directions in Appeal No.78 of 2022, the District Collector, Rangareddy District is requested to initiate action on M/s Aadeshwar Traders (Formerly M/s Vensai metals or M/s Prasad Metals), Vattinagulapally(V), Gandipet(M), Rangareddy District having office address as per Board correspondence i.e. M/s Aadeshwar Traders, Plot No.14, Maheswari Nagar, Bharath Nagar Colony, Hyderabad-500018 for recovery of Environmental Compensation (i.e., Rs.24,65,000/-) under Revenue Recovery Act.

In view of the above, it is requested to issue instructions to the concerned for recovery of Environmental Compensation (EC) from the above said industry immediately under Revenue Recovery Act so as to submit compliance report to the Hon'ble NGT(SZ), Chennai.

This is submitted for kind information and necessary action.

Yours faithfully,

Sd/- 14/8/24
JOINT CHIEF ENVIRONMENTAL ENGINEER



Copy Submitted to:

1. The Member Secretary, TGPCB, Board Office, Hyderabad for kind information.
2. The Chief Environmental Engineer, TGPCB, Board Office, Hyderabad for kind information.
3. **The Environmental Engineer, TGPCB, Regional Office, Rangareddy District, Begumpet, Hyderabad for information and necessary action.**



o/c

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Item No.19:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Appeal No.78 of 2022 (SZ)

IN THE MATTER OF

M/s. Aadeshwar Traders,
Ranga Reddy District.

...Appellant(s)

Versus

The Telangana State Pollution Control Board
Represented by its Member Secretary
Hyderabad and Ors.

...Respondent(s)

Date of hearing: 16.07.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Appellant(s):

None.

For Respondent(s):

Ms. C.P. Kavitha Renjini represented
Mr. T. Sai Krishnan for R1.
Mr. Mohammed Aathic represented
Mrs. H. Yasmeen Ali for R3.

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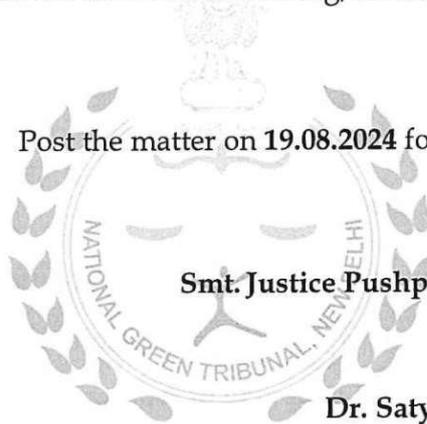
ORDER

1. Today, there is no representation for the appellant.

2. It is stated by the learned counsel appearing for the Telangana State Pollution Control Board that despite the penalty levied, the unit continues to operate without consent.

3. Hence, the Telangana State Pollution Control Board is directed to stop the operation of the unit forthwith and file a report before the date of next hearing, including the assessment of damages.

4. Post the matter on 19.08.2024 for final hearing.



Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

Appeal No.78/2022 (SZ),
16th July, 2024. Mn.