

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE) AT CHENNAI

O.A. No. 7 of 2019

In the matter of:

J. Nageswara Rao

... Applicant

Versus

The State of Andra Pradesh and 4 others

... Respondents

DOCUMENTS FILED BY IMPLEADED RESPONDENTS 17 to 40

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4	31.05.2021	Reply given by impleaded respondents	10.12

The documents included in the typed set are attested to be true copies



Date: 02.06.2021

FILED BY: K.S.VISWANATHAN & V.SUTHAKAR

Place: Chennai.

Counsel for Impleaded Respondents 17 to 40

Item No.43 & 44

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
O.A.No.179 of 2016 (SZ)
and
O.A.No. 7 of 2019(SZ)

(Through Video Conference)



O.A.No.179 of 2016

IN THE MATTER OF:

Pamulapati Krishna Rao

.. Applicant

Vs.

State of Andhra Pradesh & ors

... Respondent(s)

O.A.No.7 of 2019

J. Nageswara Rao

.. Applicant

Vs.

The State of Andhra Pradesh & ors

.. Respondents

Date of hearing: 19.2.2021

CORAM: HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

O.A.No.179 of 2016

For applicant :

Nil

For Respondent(s) :

Mrs. Madhuridonti Reddy for R1 to R7
Mr.K. S.Viswanathan for R8 to 53

O.A.No.7 of 2019

For applicant :

Mr. Kamalesh Kannan

For Respondent(s) :

Mrs. Madhuridonti Reddy for R1 to R5
Mr.K. S.Viswanathan for R6 to R16

For applicant

I.A.19 to 49/2021

M r.K. S.Viswanathan

I.A. Nos.19 to 49 of 2021 in O.A.No.7 of 2019

I.A. No.19 & 32 of 2021:

M/s. S.R. Infra Projects,
Rep. by Singu Ramesh Babu

.. Applicant

I.A.No.20 & 33/2021

M/s. KBC Infrastructures Pvt. Ltd.,
Rep. by K. Butchaiah

I.A.No.21 & 34/2021

M/s. P.V.R. Chalapathi Metal Industries
Rep. by P. Venkateswara Rao

I.A.No.22 & 35/2021

M/s P.U.S. Stone Crushers,
 Rep. by T. Subba Rao
 I.A.No.23 & 36/2021
 M/s.Road Metal Quarry,
 Rep by N Siva Nagadramma
 I.A.No.24 & 37/2021
 M/s. Naimisha Enterprises,
 Rep. by Singu Sadasiva Rao
 I.A.No.25 & 38/2021
 M/s. Sree Ram Metal Industries
 Rep. by K. Ramakrishna
 I.A.No.26 & 39/2021
 M/s. K. Sankara Rao Road Metal Quarry,
 Rep. by K. Sankara Rao
 I.A.No.27 & 40/2021
 M/s. V.S Engineering Pvt. Ltd.,
 Rep. by V. Srinivas Chowdary
 I.A.28 & 41/2021
 M/s. Sundaram Stone Crusher,
 Rep. by D. Sundaramurthy
 I.A.No.29 & 42/2021
 M/s. Sri Satya Sai Metal Suppliers,
 Rep. by D.K. Ravikumar
 I.A.30 & 43/2021
 M/s. Rank Silicon and Industries Pvt. Ltd.,
 Rep by S.A.N. Raju
 I.A.No.31 & 44/2021
 M/s. PVV Surya Kumar
 Rep. by PVV Suryakumar
 I.A.No.45/2021
 Sri Sai Krishna Stone Crushers
 Rep. by Pamulpati Chandraiah
 IA.46/2021
 M/s. V.S. Engineering Pvt. Ltd.
 Rep. by V. Sarath
 I.A.47/2021
 M/s. Sri Balaji Stone Crusher
 Rep. by L Veeraiah
 I.A.48/2021
 M/s. Ganesh Metal Crushers,
 Rep. by T. Baskasra Rao
 I.A.49/2021
 M/s. The Perecheria Tella Quarry Vaddera Quarry Workers
 L.C., Co-op. Society Ltd.,
 Vs
 J. Nageswara Rao & ors

.. Applicants

.. Respondent

ORDER

I.A.Nos. 19 to 31 of 2021 : These applications have been filed by the individual quarry owners who are said to be affected by the orders passed by the Pollution Control Board, to come on record as additional respondents in O.A.7 of 2019. Some of the quarry owners who are not made parties to the proceedings but expected to be affected by the directions issued by this Tribunal wanted to come on record as additional respondents on the basis of the directions issued by the Hon'ble High Court of Andhra Pradesh at Amaravathi in a batch of writ petitions filed by them, giving them liberty to approach this Tribunal to get themselves impleaded in the application and directed the interim order to continue for four weeks as per order dated 5.10.2020. 9

2. The parties already impleaded as respondents 6 to 16 have filed I.A.Nos.45 to 49 of 2021 for injunction and the proposed parties filed I.A.19 to 31 of 2021 for impleadment and filed I.A.Nos.32 to 44 of 2021 for injunction restraining the Pollution Control Board from proceeding against them on the basis of the directions issued by this Tribunal till they were heard on the issue involved in the matter.

3. When the matter came up for hearing today through Video Conference, Mrs. Madhuri Donti Reddy represented respondents 1 to 7, Mr. K.S. Viswanathan represented respondents 8 to 53 in O.A.179 of 2016. Mr. Kamalesh Kannan represented the applicant and Mrs. Madhuri Donti Reddy represented respondents 1 to 5 and Mr. K.S. Viswanathan represented respondents 6 to 16 in O.A.7 of 2019 and applicants in I.A.Nos.19 to 49 of 2021 in O.A.7 of 2019.

4. Heard both sides.

5. In view of the directions issued by the Hon'ble High Court of Andhra Pradesh, giving liberty for the parties to get themselves impleaded in the matter who have not been made parties in the proceedings, the applications filed by the proposed parties come on record who

filed I.A.Nos.19 to 31 of 2021 have to be allowed. So the applications I.A.Nos.19 to 31 of 2021 are allowed and the applicants in those applications are impleaded as additional respondents 17 to 40 respectively. 4

6. I.A.Nos.32 to 44 of 2021 and I.A.Nos.45 to 49 of 2021 were filed by the additional respondents, seeking injunction restraining the official respondents from taking any further action till the disposal of the present original application and until such time the objections of the newly impleaded parties in respect of the Joint Committee are heard by this Tribunal and suitable orders passed thereon.

7. It is seen from the applications that these persons have approached the Hon'ble High Court of Andhra Pradesh by filing writ petition and the Hon'ble High Court has granted interim order earlier, directing the official respondents not to proceed with the proposed action and when the writ petitions was disposed of by common judgment dated 25.1.2021, the interim order granted was extended for a further period of four weeks subject to any further orders to be passed by the National Green Tribunal.

8. So under such circumstances, we feel that regarding the prayer for injunction restraining the official respondents from proceeding against the applicants in these applications can be directed to be kept in abeyance for a period of four weeks so that this Tribunal can give an opportunity to the newly impleaded parties to file their objections if any and after hearing them appropriate orders can be passed. So the official respondents are directed to keep further proceedings in abeyance for a further period of four weeks from 25.2.2021 when the interim order granted by the Hon'ble High Court while disposing the writ petition expires.

9. So with the above directions and observations, these applications are allowed.

10. The newly impleaded parties are directed to serve copy of the petitions and the reply and objection to the counsel appearing for the applicant as well as counsel for the respondents so

that if they want to file any further rejoinder or reply, they can also file the same before the next hearing date.

For filing objections to the committee report as well as filing objections to O.A.7 of 2019 by the newly impleaded parties and completion of pleadings, post along with O.A.179 of 2016 on 12.3.2021.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

O.A.179/2016-O.A.7/2019
19.2.2021-Kkr





ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE :: GUNTUR

D.No:4-5-4/5C, 4/3 - Navabharath Nagar, Ring Road, Guntur - 522 006

e-mail: rogr-ee1@appcb.gov.in
Phone : 0863 - 2215537

Notice No G-2313/APP/RO-GNT/2021 - 303

Di. 26.05.2021

Sub: APPCB - Regional Office, Guntur - O.A. No. 7 of 2019 filed before the Hon'ble National Green Tribunal - M/s Sai Yasasvi Stone Crusher (1.404 Ha) Sy No 155/A1, Plot No. 8 (Part) & 11 (part), Chinapalakaluru (V), Guntur Rural (M), Guntur District - Public complaints - Hon'ble NGT orders dated 13.12.2019 - Board directions dated 18.01.2020 - levying Environmental Compensation - Nonpayment of Environmental Compensation - Stop Production Order issued - Hon'ble NGT order for abeyance for a further period of 4 weeks from 25.02.2021 i.e. upto 25.03.2021 - Stop production order is in force from 25.03.2021 - Intimation - Reg.

- Ref.: 1. Hon'ble NGT order dt. 29.07.2019 & 13.12.2019 in OA NO. 7 of 2019
2. T.O. letter dt. 18.01.2020 levying of environmental compensation to 34 quarries
3. Board order No. OA No. 7 of 2019 / APPCB/ZO-VJA/2020-177, Dt. 18.08.2020.
4. Hon'ble High Court Common order dt. 25.01.2021.
5. Hon'ble NGT order dt. 19.02.2021 in OA No. 179 of 2016 & OA NO.7 of 2019.

.....

1. **WHEREAS** you are operating a Road metal quarry in the name of M/s. Sai Yasasvi Stone Crusher (1.404 Ha), Sy. No. 155/A1, Plot No. 8 (Part) & 11 (part), Chinapalakaluru (V), Guntur Rural (M), Guntur District to undertake open cast mining of Road metal.
2. **WHEREAS** the A.P. Pollution Control Board (Board), issued Consent for Operation (CFO) to operate your road metal quarry under Air & Water Acts for quarrying of road metal of 4180 m³/month capacity for the period upto 28.02.2023, subject to compliance of conditions stipulated therein.
3. **WHEREAS** vide ref. 1st cited, the Hon'ble NGT through orders dt. 29.07.2019 & 13.12.2019 directed the Board to levy compensation to the non-complying quarry units to the directions issued by the Board from time to time.
4. **WHEREAS** the Board levied environmental compensation for Rs.1285000/- (Rupees Twelve Lakh Eighty Five Thousand Only) on occupier of M/s. Sai Yasasvi Stone Crusher (1.404 Ha), Sy. No. 155/A1, Plot No. 8 (Part) & 11 (part), Chinapalakaluru (V), Guntur Rural (M), Guntur District. vide ref. 2nd cited, to pay within 15 days time for the reasons stated therein.
5. **WHEREAS** the Board issued stop production order to the road metal quarry for non-payment of Environmental Compensation vide ref. 3rd cited.
6. **WHEREAS** the mine lessees filed writ petitions in Hon'ble High Court in writ petition no. 16837,15774,16029,16030,16044,16045,16046,16047,16147,16163, 16167, 16208,16209,16216,16217,16219,16222,16238,16299,16305,16347,16391,16393,

APPCB/RO/GUNTUR
Despatched on 26.05.2021

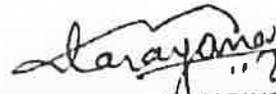
16510, 16546, 16760, 16790, 16791, 16798, 16829, 16833, 16834, 16875 and 17028 of 2020 and the Hon'ble High Court disposed of these writ petitions and issued common order on 25.01.2021, leaving it open for the petitioners herein to approach the Hon'ble National Green Tribunal with necessary application and for appropriate reliefs, if not already approached, for consideration of the same by the Hon'ble National Green Tribunal. So as enable the petitioners herein to avail the said remedy, we deem it apposite to continue the interim granted by the court for a period of four weeks from today i.e., on 25.01.2021, subject to any order passed by the National Green Tribunal.

7. **WHEREAS** the mine lessee approached Hon'ble NGT and the Hon'ble NGT through orders dt.19.02.2021 directed the official respondents to keep further proceedings in abeyance for a further period of four weeks from 25.02.2021 i.e., 25.03.2021. However, no further order received from the Hon'ble NGT after 25.03.2021 for abeyance of the official respondents proceedings i.e., Stop Production Order for non-payment of Environmental Compensation.
8. **WHEREAS** it is the responsibility of the mine lessee to implement the Hon'ble NGT orders dt.19.02.2021 i.e., Stop Production Order which is in force with effect from 25.03.2021.

In view of the above, you are hereby informed that stop production orders issued by the Board vide ref. 3rd cited is in force as per Hon'ble NGT Orders dt.19.02.2021. The mine lessee requested to furnish compliance of the Hon'ble NGT order dt. 19.02.2021.

Should you violate stop production order issued vide ref. 3rd cited, and operate the mine, you will be also liable for prosecution under section 41(2) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Section 37(1) of Air (Prevention and Control of Pollution) Amendment Act, 1987 and its amendments thereof, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case of failure continuous, with an additional fine which may extend the five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

To
The Occupier
M/s. Sai Yasasvi Stone Crusher
(1.404 Ha). Sy. No. 155/A1,
Plot No. 8 (Part) & 11 (part),
Chinapalakaluru (V), Guntur Rural (M),
Guntur District.


28/5/2021
ENVIRONMENTAL ENGINEER
ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
REGIONAL OFFICE, GUNTUR



ANDHRA PRADESH POLLUTION CONTROL BOARD
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Notice No.G-2557/APPCB/RO-GNT/2021 - 308

Dt. 27.05.2021

APPCB/RO/GUNTUR
Despatched on 27.05/2021

Sub.: APPCB - Regional Office, Guntur - O.A. No. 179 of 2016 and OA No. 7 of 2019 filed before the Hon'ble National Green Tribunal - M/s. S.R. Infra Projects (1.255 Ha), Sy No. 111(Part), Chinapalikaluru (V), Guntur Rural (M), Guntur District. - Public complaints - Hon'ble NGT orders dated, 13.12.2019 - Board notice dated.14.08.2020 - levying Environmental Compensation - Nonpayment of Environmental Compensation - Hon'ble NGT order for abeyance for a further period of 4 weeks from 25.02.2021 i.e., upto 25.03.2021 - Hon'ble NGT order is in force from 25.03.2021 - Request to pay Environmental Compensation - Intimation - Reg.

- Ref.: 1. Hon'ble NGT order dt. 29.07.2019, 13.12.2019 & 25.02.2020 in OA NO. 7 of 2019.
2. Hon'ble NGT order dt.13.05.2020 in OA No. 179 of 2016 & OA No. 7 of 2019.
3. T.O. letter dt.14.08.2020 levying of environmental compensation to 23 quarries.
4. Hon'ble High Court Common order dt.25.01.2021.
5. Hon'ble NGT order dt.19.02.2021 in OA No. 179 of 2016 & OA NO.7 of 2019.

1. **WHEREAS** you are operating a Road metal quarry in the name of M/s. S.R. Infra Projects (1.255 Ha), Sy. No. 111(Part), Chinapalikaluru (V), Guntur Rural (M), Guntur District. to undertake open cast mining of Road metal.
2. **WHEREAS** the A.P. Pollution Control Board (Board), issued Consent for Operation (CFO) to operate your road metal quarry under Air & Water Acts for quarrying of road metal of 834 m³/month capacity for the period upto 30.04.2023, subject to compliance of conditions stipulated therein.
3. **WHEREAS** vide ref. 1st cited, the Hon'ble NGT through orders dt. 29.07.2019, 13.12.2019 & 25.02.2020 directed the Board to levy compensation to the non-complying quarry units to the directions issued by the Board from time to time.
4. **WHEREAS** the Board levied environmental compensation for Rs.2,15,000/- (Rupees Two Laksh Fifteen Thousand Only) on occupier of M/s. S.R. Infra Projects (1.255 Ha), Sy. No. 111(Part), Chinapalikaluru (V), Guntur Rural (M), Guntur District. vide ref. 3rd cited, to pay within 15 days time for the reasons stated therein.
5. **WHEREAS** the mine lessees filed writ petitions in Hon'ble High Court in writ petition no. 16837, 15774,16029, 16030,16044,16045,16046,16047, 16147,16163, 16167,16208,16209,16216,16217,16219,16222,16238,16299,16305,16347,16391, 16393,16510,16546,16760,16790,16791,16798,16829,16833,16834,16875 and 17028 of 2020 and the Hon'ble High Court disposed of these writ petitions and issued common order on 25.01.2021, leaving it open for the petitioners herein to approach the Hon'ble National Green Tribunal with necessary application and for appropriate reliefs, if not already approached, for consideration of the same by the

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Hon'ble National Green Tribunal. So as enable the petitioners herein to avail the said remedy, we deem it apposite to continue the interim granted by the court for a period of four weeks from today i.e., on 25.01.2021, subject to any order passed by the National Green Tribunal.

6. **WHEREAS** the mine lessee approached Hon'ble NGT and the Hon'ble NGT through orders dt.19.02.2021 directed the official respondents to keep further proceedings in abeyance for a further period of four weeks from 25.02.2021 i.e., 25.03.2021. However, no further order received from the Hon'ble NGT after 25.03.2021 for abeyance of the official respondents proceedings.
7. **WHEREAS** it is the responsibility of the mine lessee to implement the Hon'ble NGT orders dt.19.02.2021 i.e., notice issued by the Board on 14.08.2020 is in force with effect from 25.03.2021.

In view of the above, you are hereby informed that notice issued by the Board vide ref. 3rd cited is in force as per Hon'ble NGT Orders dt.19.02.2021. The mine lessee requested to furnish compliance of the Hon'ble NGT order dt. 19.02.2021.

Should you fail to pay the aforesaid Environmental Compensation within date, the Board will be constrained to take further action to issue closure order / stop production to your road metal quarry as per the provisions of Water & Air Acts.

To
The Occupier
M/s. S.R. Infra Projects (1.255 Ha),,
Sy. No. 111(Part), Chinapalakaruru (V),
Guntur Rural (M), Guntur District.


ENVIRONMENTAL ENGINEER
ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
REGIONAL OFFICE, GUNTUR

SAI YASASVI STONE CRUSHER

Email.: salyasaki2008@gmail.com

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D.No: 9-170 NRT By Pass Road, Perecherla (V) Medikonduru (M) Guntur (Dt.)

Date:31-05-2021.

To
The Environmental Engineer,
AP Pollution Control Board,
D.No: 4-5-4 SC,
4-3 - Navabharath Nagar,
Ring Road,
GUNTUR-522 006.

From
Sai Yasasvi Stone Crusher
(1.404 Ha) Sy No. 155/A1.
Plot No.8. part & II,
Chinapalakaluru (V),
Guntur (R) Guntur. (Dt.).

Respect Sir,

Sub: Reply to APPCB _ Regional Office Guntur, Notice No.G-2313/APPCB/RO-GNT/2021 - 303, regarding payment of environmental compensation – explanation Reg.

Ref: 1. your notice dated 27.05.2021

2. Order of Hon'ble NGT(SZ), Chennai dated 19.02.2021

We are in receipt of your intimation notice dated 27.05.2021. We would like to place the following for your kind consideration:

1. The Hon'ble National Green Tribunal (SZ), Chennai in its order dated 19.02.2021 has taken into consideration all relevant facts including the fact that the Hon'ble High Court, Andhra Pradesh had already granted time to the quarry owners to approach the Hon'ble NGT and thereafter had allowed all the applications for injunction by directing the authorities to keep all further action in abeyance for a period of four weeks and directed the case to be heard on 12.03.2021.
2. Kindly refer to paragraph no. 8 of the aforesaid order wherein the reasons for granting the interim protection have been set out by the Hon'ble Tribunal which reads as follows:

..... "So under such circumstances, we feel that regarding the prayer for injunction restraining the official respondents from proceeding against the applicants in these applications can be directed to be kept in abeyance for a period of four weeks so that

SAI YASASVI STONE CRUSHER

Email.: saiyasasvi2008@gmail.com

D.No: 9-170 NRT By Pass Road, Perecherla (V) Medikonduru (M) Guntur (Dt.)

this Tribunal can give an opportunity to the newly impleaded parties to file their objections if any and after hearing them appropriate orders can be passed. "

3. Therefore, the decision of the Hon'ble Tribunal in the interim applications for injunction which were disposed of by order dated 19.02.2021 as above was to provide an opportunity of hearing to the quarry owners in respect of the proposed action by the authorities so that their objections can be heard and final orders passed in the main application pending before the Hon'ble Tribunal.
4. The Hon'ble NGT specifically referred to the orders passed already by the Hon'ble AP High Court dated 25.01.2021 in the matter before deciding upon the above course.
5. It is well within your knowledge that the main applications viz., O.A.Nos.179/2016 and 7/2019 were not taken up for hearing on the assigned date, viz., 12.03.2021 as the same was adjourned by successive notifications to 30.03.2021 and then to 23.04.2021 and 04.06.2021.
6. Therefore, by implied reference, the interim protection granted to the impleading applicants stood continued as the purpose of the interim order was to grant an opportunity of hearing to the quarry owners.
7. Your office did not raise any objections or bring it to the notice of the Hon'ble Tribunal seeking any clarification on the interim protection granted to the impleading applicants when the matter stood adjourned by successive notifications.
8. If according to you the interim protection granted to us expired by 25.03.2021 as mentioned in your notice, it is not known as to why you chose to remain silent for more than two months. That is because you are aware that any order granted by the Hon'ble Tribunal cannot be varied unilaterally from your side and appropriate directions will be required from the Hon'ble Tribunal.
9. It is also not known whether you have obtained any legal opinion from the learned counsel representing your office before the Hon'ble NGT on the nature and impact of the interim orders passed by the Hon'ble Tribunal on 19.02.2021 before arriving at this preposterous conclusion that the interim protection granted to us expired by 25.03.2021.

SAI YASASVI STONE CRUSHER

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Email.: salyasaki2008@gmail.com

D No. 9-170 NRT By Pass Road, Peracherla (V) Medikonduru (M) Guntur (Dt.)

10. Most importantly, the adjournments of hearing were not at the instance of the units/impleading applicants but only on account of successive notifications issued by the Hon'ble Tribunal.
11. We are advised to bring to your notice the maxim "**Actus Curiae neminem gravabit**", which means that the act of the Court shall prejudice no-one, becomes applicable in such a case. You are fully aware that the case stood adjourned to different dates by act of court and therefore the same shall not prejudice our interest.
12. At any event, the case now stands posted on 04.06.2021 before the Hon'ble NGT for hearing. All the parties can place their submissions on that date before the Hon'ble NGT.
13. Until such time, it is not proper on the part of a respectable statutory authority like the APPPCB to violate orders of court by misinterpreting the same and seek to issue notices such as the intimation notice under reply.
14. We understand that you have sent copies of the above intimation notice to the AP Mining department also on account of which the Mining department without any further

clarification from us or the Hon'ble Tribunal before whom they are parties, have stopped issuing permits which has caused serious prejudice to us.

We therefore request you to withdraw the aforesaid notice demanding payment of environmental compensation forthwith and also send due intimation thereof to the Mining department and await further orders of the Hon'ble NGT in the matter.

Yours faithfully,

S. Srinivasulu Reddy.

SAI YASASVI STONE CRUSHER

Copy To The Asst. Director of mines and Geology, Guntur