

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

ORIGINAL APPLICATION NO.108 OF 2023 (SZ)

Vaspari Lingaiah
S/o. V.Lachaiah & 2 others

... Applicants

Versus

State of Telangana
Rep by its Chief Secretary and 7 others

...Respondents

REPLY FILED ON BEHALF OF THE 7TH RESPONDENT

The 7th respondent above named respectfully submits as follows:

- 1) It is submitted that the above Original Application has been filed seeking direction to the official respondents to recover and pay monetary compensation to applicant No's 1 to 3 or as per the quantum determined in the report filed in O.A.No.238/21.
- 2) At the outset it is submitted that Original Application itself is not maintainable in as much as the same has been filed making baseless allegations and after coming to know of the institution of another case by one Chempuri Ramachandraiah in O.A.238/21.
- 3) It is submitted that the applicants do not have any genuine grievance and after coming to know of another similar case against a different industry they have come forward with the present application which is clear abuse of process of law.
- 4) The 7th respondent is involved in the manufacture of Bulk Drug Intermediates and this factory is situated at Survey No. 299, 299/AA, 299/A1/2/3, 299/A1/2/4, 299/AA/1/4, 299/AA/2/3 and 299/E/1/3, Malkapur (v) Chouttuppall (M), Yadadri, Bhuvanagiri District and the industry is operating with valid Consent for Operation and also hazardous waste authorization. The consent has been last renewed on 15.07.2021 with validity

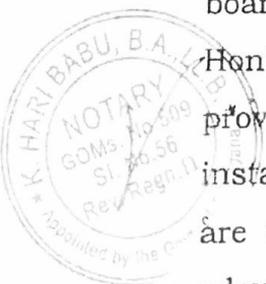
For Shree Jaya Laboratories Pvt. Ltd.


Managing Director



up to 31.01.2026. The respondent industry has installed MEE system and AFTD. The industry has also installed new biological ETP and RO system. Various other pollution control measures recommended by the board have also been installed and the same are periodically inspected for efficient functioning by the board.

- 5) After filing of the present application and after notice was ordered by this Hon'ble Tribunal the industry has been inspected on 08.09.2023 and report has been filed by the board on 03.10.2023. In the report the board has noted that on an earlier occasion the board had issued closure order dated 21.10.2022 but after compliance of various measures the board has issued a temporary revocation of closure order dated 12.11.2022. The same has been extended periodically. In the report it is also been observed that there are no discharge of effluent from the unit. However, it has been noted that the industry has to carry out certain other measures.
- 6) It is submitted that thereafter once again the industry was inspected on 18.01.2023. Pursuant to which a report has been filed before this Hon'ble Tribunal on 05.12.2023. In the said report it has been noted that the industry has installed various equipments as suggested and certain other suggestions were also been given regarding minor lapses. Based on which certain directions were also issued vide order dated 15.11.2023 to the industry. It is respectfully submitted that the industry has complied with all directions of the board.
- 7) It is further submitted that once again the industry was inspected on 16.12.2023 by the Task Force Committee of the board and a report dated 24.01.2024 has been filed before this Hon'ble Tribunal. The report notes that the industry has provided single stage scrubber for the existing ATFD and installation of new ATFD and Civil Construction Work of MEE are under progress. It is also noted that there is no specific odour and no discharge of effluent. The report refers to the



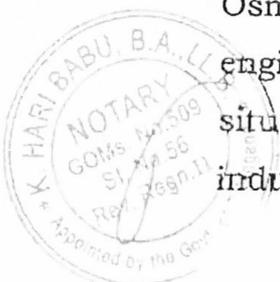
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undertaking of the industry that installation of new 10TPH boiler is under progress and after commissioning of the same the bag filter attached to 10TPH and 6TPH boiler will be used as common air pollution control equipment.

8) In so far as the allegations made in the averments of the original application are concerned it is submitted as follows:

- i. The first applicant land is situated along the south boundary wall where irrigation facility is not possible.
- ii. Bore well and open well samples collected in the surroundings of the industry and the board has carried out finger print out analysis and it is found that no chemical compounds or fingerprints were matched, oozing water is coming from hill footing which is seeping into industry footing and coming back to the dug trench.
- iii. Till 2018 there used to be underground sewage collection water tank. After TSPCB order industry has dismantled top cover tank and closed the tank with soil, hence seeping water from the hill is accumulating in the tank. When applicant dug the trench beside the tank water from the sewage tank is oozing out side. The industry has addressed this issue to TSPCB, and they suggested the industry to do study from any reputable government university. Hence the seventh respondent industry has approached JNTU Hyderabad, Ground Water Department. They conducted free preliminary survey and they have given their finding in a letter and recommendation. The industry has submitted that report to TSPCB, then the same has been forwarded to taskforce team comprising of HOD of Civil Department of Osmania University and Professor from Dept of Chemical engineering, JNTU Hyderabad. The team assessed the real situation and given direction to avoid hill seeping water into industry and industry seepage to boundary land.

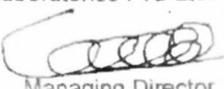


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- iv. In respect of the first applicant land situated in Survey No.293, 294 & 295, the same does not contain any borewells, open wells and this land comes under dry(metta) land, which was never used for any agricultural purpose and it is 300 meters away from the industry.
- v. In respect of the land belonging to the second applicant situated at Sy.No. 296/e/1, 322/e,332 in Jiblek palli revenue limits and Sy.No.306,308,310,318,320-323 and 328 in Malkapur village is almost 400 meters away from the seventh respondent industry.
- vi. In respect of the land belonging to the third applicant situated in survey No. 319/R, 320/E, 269,270,282,284,285,287 to 291, 294,319,320 and 0.14 acres in Malkapur village of Choutuppall Mandal is almost 400 meters away from the seventh respondent industry
- vii. The black colour of the water and black soil is due to sewage water. TSPCB took samples many times. ALL TDS and COD values are in LTDS limits and no Finger prints were matched
- viii. The applicants land adjacent to industry does not have any kind of irrigation facility like Bore, or well for water source. The land comes under DRY METTA which is defined by Agriculture Dept. The soil is very rocky. As per report, soil is not suitable for commercial crops, because paddy and cotton needs black soil or minimum clay soil with medium water retention capacity. This land almost has a gradient of 20 degree from hill footing to industry boundary Hence cultivating paddy itself is not possible and soil is not suitable for cotton cultivation also. The second and third applicant's lands are 400 meters away from the industry.

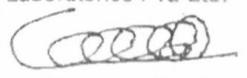
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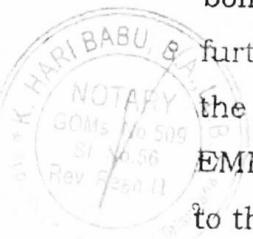

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- ix. The photographs annexed by the applicant showing water contamination are due to the adjacent industries which does not have proper drain facility, there are almost 10 industries and 300 to 400 workers are living in surrounding areas. The topography of the area indicates that the land is about 400 meters away from our unit and the Water gets accumulated in rain season only. This industry facilitates rain water as per PCB norms. It is further submitted that water from the applicant land has been analyzed by TSPCB and ETPRI and it is found that no fingerprints were matched and no HI-TDS samples were found. This is purely sewage water and after inspection and as per the directions given by TSPCB and Government Institute Professor the same has been rectified. It is further submitted that TSPCB and officials from Government Institute dug three more deep trenches adjacent to this trench but no sign of contamination or seepage was found.
- x. It is respectfully submitted that the incident that occurred in seventh respondent industry on 09.06.2015 was not related to pollution. This was due to an accident that happened in the industry and as per the directions issued by the pollution control board the industry has constructed ground tank, in order to avoid such accidents in future.
- xi. It is submitted that the industry does not have Bio ETP because their daily Effluents both HTDS and LTDS is below 10KL. Hence they do not require Bio ETP and they treat all effluents combined.
- xii. It is submitted that industry has obtained CFE for 6 TPH boiler and as per CFP 3 TPH boiler is on stand by. It is further submitted that before the Task Force Committee, the industry has explained about HBR vapours as per their EMP book and the Task Force Committee has also agreed to the same.

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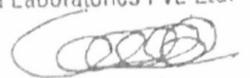
- xiii. The board officials have collected samples near the southern boundary of the industry and the board has carried out finger print analysis the compounds which were analyzed are used in agriculture pesticides and PPM level is also detected.
- xiv. The seventh respondent industry submits that TSD values in Nalgonda dist has a range from 500 to 4500 ppm as per national ground water report, because of high chloride and fluoride, and this is a national issue highlighted in major national news papers many times.
- xv. The respondent board has reviewed the industry and tested ambient air quality and as per their report ambient air quality is within the limits.
- 9) It is submitted that due to persistent complaints by the farmers to the District Collector the industry has been directed to pay crop compensation even though there was no proper examination as to whether the industry is responsible for ground water contamination. Under such circumstances, due to pressure from the farmers and by directions from the District Collector the seventh respondent has paid crop compensation consistently from the year 2019-2020 onwards and the details are as follows:

2019-2020	Rs.10,62,500
2020-2021	Rs.28,45,000
2021-2022	Rs.38,02,596
2022-2023	Rs.32,82,500
2023-2024	Rs.20,49,500

The details including list of beneficiaries has been attached as annexure to this reply.



for Shree Jaya Laboratories Pvt. Ltd.


Managing Director

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Original Application No. 108 OF 2023

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...Respondents

REPLY FILED ON BEHALF OF THE 7th RESPONDENT

M/s. T.HEMALATHA, R. RAJMOHAN AND S.DEEPIKA

COUNSEL FOR THE 7TH RESPONDENT