

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

ORIGINAL APPLICATION No. 115 OF 2023

[Earlier, OA No. 368 of 2022 (PB)]

IN THE MATTER OF:

Abhilash,
R/o.Khammam District.

....

Applicant(s)

Versus

State of Telangana & Ors

....

Respondent(s)

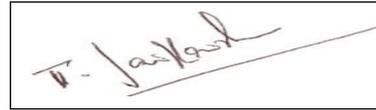
REPORT OF THE TELANGANA POLLUTION CONTROL BOARD (R4)

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Place: Hyderabad.

Date: 01-08-2024.



COUNSEL FOR RESPONDENT No. 4

REPORT OF THE TELANGANA POLLUTION CONTROL BOARD (TGPCB)
(RESPONDENT No. 4) DATED 01-08-2024 IN OA No. 115 of 2023.

It is to submit that an application is registered based on complaint received by post from Abhilash, R/o.Khammam District, Hyderabad on the illegal mining and operation of M/s. Sri Lakshmi Narsimha Stone Crusher etc., in Garlavoddu (V), Enkoor Zone, Khammam District, thereby damaging endangered hills and forests and adversely affecting wild animals and running of stone crusher day and night is causing air & noise pollution. Further, the Hon'ble NGT, Principal Bench registered the application as OA No. 368 of 2022.

The Joint Committee constituted by the Hon'ble NGT, Principal Bench, New Delhi submitted its report to the Hon'ble NGT on 31.10.2022. Further the Respondent Board submitted reports to the Hon'ble NGT, New Delhi on 03.05.2023 and 11.07.2023.

The Hon'ble NGT, New Delhi vide order dated 07.07.2023 transferred the case to the Hon'ble NGT, Chennai.

The Respondent Board further submitted report dated 01.11.2023, 11.12.2023 12.03.2024 and 07.05.2024 to the Hon'ble NGT, Chennai. The Hon'ble NGT, Chennai has taken on record the Report dated 07.05.2024 filed by the Board during the hearing held on 08.07.2024 and directed the Respondent Board to submit a fresh report regarding payment of environmental compensation by the stone crusher and mine in equating installments.

In this regard, the following report is filed: -

I. M/s Sri Jai Santhoshi Narasimha Stone Crusher, Garlavoddu (V), Enkoor (M), Khammam District (locally known as M/s Sri Lakshmi Narasimha Stone Crusher):

- i. Earlier, the respondent Board has imposed Rs.7,65,000/- as Environmental Compensation on the Stone crusher vide order dated 08.12.2023 and directed the industry to remit the amount of Rs.7,65,000/- within one week.

- ii. Subsequently, the industry has submitted a representation dated 18.12.2023 stating that they are facing financial problems as they have paid Rs.25,22,309/- to TSNPDCL, Warangal towards payment of electrical bills for minimum charges even though they have not operated the crusher and requested the Board to permit them to pay the environmental compensation amount of Rs.7,65,000/- on installment basis from January-2024.
 - iii. The representation submitted by the industry was reviewed before the external advisory committee of the Board and after detailed discussions, the committee recommended to consider the request of the industry to remit the Environmental Compensation of Rs.7,65,000/- in six equal installments within six months and the Board issued order dated 28.02.2024.
 - iv. The crusher has paid an amount of Rs.7,65,000/- in six equating instalments.
 - v. The Board has conducted Ambient Air Quality Monitoring for fugitive emissions during inspection on 28.03.2024 and as per the analysis report, the value of SPM is measured as 577 $\mu\text{g}/\text{m}^3$ as against Board standard of 600 $\mu\text{g}/\text{m}^3$.
 - vi. The Board has issued extended temporary revocation of closure orders dated 22.06.2024 for a period of 1 year i.e., upto 21.06.2025 duly stipulating the necessary conditions.
- II. M/s Manupati Jaya Simha (1.0 Ha. – Building Stone & Road Metal Mine) located in Sy. No. 200/TA, Jannaram (V), Enkoor (M), Khammam District:**
- i. Earlier, the respondent Board has imposed Rs. 28,68,000/- as Environmental Compensation on the mine vide order dated 04.12.2023 and directed the mine to remit the amount of Rs. 28,68,000/- within 15 days from the date of this order.

- ii. Subsequently, the mine has submitted a representation dated 12.01.2024 stating that they are facing financial problems and requested the Board to permit them to pay the environmental compensation amount of Rs.28,68,000/- on installment basis.
- iii. The representation submitted by the mine was reviewed before the external advisory committee of the Board and after detailed discussions, the committee recommended to consider the request of the mine to remit the Environmental Compensation of Rs.28,68,000/- in six equal installments within six months and the Board issued order dated 01.02.2024.
- iv. The mine has paid an amount of Rs. 28,68,000/- in six equating installments.

III. With regard to M/s. Raviteja Projects, the following is submitted:

- i. No industry is existing at Garlavaddu (V), Enkoor (M), Khammam District in the name of M/s. Raviteja Projects.
- ii. M/s Sri Jai Santhoshi Narasimha Stone Crusher is existing in Garlavaddu (V), Enkoor (M), Khammam District which is having Consent for Operation (CFO) of the Board vide order dated 08.03.2023 with validity period upto 28.02.2032 for the production capacity of 500 TPD.
- iii. On enquiry, the representative of the industry informed that only one stone crusher was existing in the industry premises i.e., M/s Sri Jai Santhoshi Narasimha Stone Crusher but, the industry was not having Mineral Dealer License (MDL) and informed they have obtained MDL in the name of M/s.Raviteja Projects vide No. 5393/MD-1/KMM/2018, dated 20.11.2018 for processing, storing, selling & trading of Stone & Metal mineral from the Dy. Director of Mines & Geology, Warangal and valid upto 19.11.2023.
- iv. The Dept. of Mines & Geology, Telangana has levied penalties on the same stone crusher in the name of M/s Raviteja Projects (as per the Mineral Dealer License) for evading the seigniorage fee and other taxes as per their department rules.

- v. Subsequently, the industry has obtained Mineral Dealer License (MDL) vide Application No. MDL1216010, dated 05.06.2024 in the name of M/s Sri Jai Santhoshi Narasimha Stone Crusher for processing, storing, selling & trading of Stone & Metal mineral from the Dy. Director of Mines & Geology, Warangal and the same is valid upto 04.06.2029.

It is submitted that the Board will monitor the Stone crusher and Stone quarry mine for compliance of conditions and directions issued by the Board and in case of any violation, action will be initiated.

Date:01-08-2024.

Place: Kothagudem


**ENVIRONMENTAL ENGINEER
ENVIRONMENTAL ENGINEER
T.G. Pollution Control Board
Regional Office, KOTHAGUDEM**

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ANNEXURE - I

Item No.08:-

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

(Through Video Conference)

Original Application No.115 of 2023(SZ)

[Earlier O.A. No.380/2022(PB)]

IN THE MATTER OF:

Abhilash.

...Applicant(s)

Versus

State of Telangana and Ors.

...Respondent(s)

Date of hearing: 08.07.2024.



CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Mr. Mohamed Aathic represented
Mrs. H. Yasmeen Ali for R1, R2, R3 & R5.
Ms. C.P. Kavitha Renjini represented
Mr. T. Sai Krishnan for R4.

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ORDER

1. Today, there is no representation for the applicant.
2. The Telangana State Pollution Control Board (TSPCB) and the Department of Mines and Geology have filed their respective reports.
3. The TSPCB has stated that so far as the 6th Respondent is concerned, they have levied an environmental compensation of Rs.7,65,000/- to be paid in six monthly installments. They have paid an amount of Rs.5,10,000/- in four equating installments, and the balance of Rs.2,55,000/- will be paid in the next two equal installments.
4. Similarly, the 7th Respondent (M/s. Manupati Jaya Simha) was levied with an environmental compensation of Rs.28,68,000/- to be paid in six monthly installments and the respondent has paid Rs.19,12,000/- and the balance of Rs.9,56,000/- is yet to be paid. In the meanwhile, the 6th Respondent is issued with the Consent to Operate, which is valid till 28.02.2032.
5. Let the TSPCB file a report as to how did they permitted the 6th Respondent to operate when they have not paid the environmental compensation fully. It is well settled principle that the violators should not be allowed to operate the units to pay the penalty.

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6. From the report of the TSPCB, it appears that it has been lenient to the violators by allowing them to pay the amount in equal installments. When such concession is extended to the violators, it ought not to have allowed them to operate till such time the entire amount is paid in installments. Therefore, we direct the TSPCB to take immediate action to suspend the operations or allow them to operate after they pay the compensation amount in full.

7. Regarding the 7th Respondent, though it is stated by the TSPCB that they have closed their operations, from the report of the Department of Mines and Geology, it appears that the 7th Respondent is also doing mining operations. They originally had the mining lease between 2009 and 2019 and again, they have asked for an extension which was now granted till 2029. It is only for a short period, till such time they could not have the mining lease, the crusher unit was not in operation. Even in the case of the 7th Respondent, if the TSPCB had allowed them to operate without collecting the environmental compensation in full, the TSPCB has to take appropriate action in that regard.

8. Incidentally, the report of the Director of Mines and Geology Department mentions about yet another violator viz., M/s. Raviteja Projects against whom also penalties levied.

9. Let the Department of Mines and Geology ensure that the said amounts are paid before it is allowed to operate. So, let a fresh report be filed by the TSPCB and the Mines & Geology Department before the date of the next hearing.

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10. Post the matter on 02.08.2024.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.115/2023(SZ)
08th July, 2024. AD.

